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**ZONING AND LAND
USE BY-LAWS FOR
NAS SOUTH WEYMOUTH**

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TABLE OF CONTENTS

1.	GENERAL PROVISIONS	1
1.1	Authority	1
1.2	Purpose.....	1
1.3	The Authority.....	1
1.4	Legal Relation Among the Redevelopment Plan, the By-Laws and the Regulations	2
1.5	Effective Date of the By-Laws	3
1.6	Severability	3
1.7	Meaning of Terms.....	3
1.8	Word Usage	3
2.	ADMINISTRATION OF THESE BY-LAWS	3
2.1	General	3
2.2	Zoning Enforcement Officer.....	4
2.3	Administrative and Enforcement Powers	5
2.4	Lots in Two or More Municipalities.....	7
3.	DEFINITIONS.....	7
3.1	Definitions of Use and Classes of Use Terms	7
3.2	Definitions of Dimensional Standards Terms.....	7
3.3	Definitions of Miscellaneous Terms.....	8
4.	ESTABLISHMENT OF ZONING DISTRICTS	21
4.1	Purpose.....	21
4.2	Division of NAS South Weymouth into Zoning Districts.....	21
4.3	Zoning District Map.....	22
4.4	Interpretation of Boundaries	22
4.5	Descriptions and Purposes of Districts	22
5.	REGULATION OF USES	25
5.1	Purpose and Applicability.....	25
5.2	Definition of Use.....	25
5.3	Nonconforming Use.....	26
5.4	Change in Use	26
5.5	Permitting of Uses/Structures	26
5.6	Application of Regulations to Lots in Two or More Zoning Districts	28
5.7	Definitions of Uses	28
5.8	Table of Permitted Uses.....	36
6.	DIMENSIONAL STANDARDS AND FORMS	37
6.1	Purpose.....	37
6.2	Applicability	37
6.3	Standards for Compliance.....	37
6.4	Establishment of Dimensional Standards and Definition of Terms.....	38
6.5	Form Based Codes	41

6.6	Table of Dimensional Standards	41
6.7	Special Provisions	41
7.	MIXED USE OVERLAY DISTRICT	42
7.1	Purpose of District	42
7.2	Scope of Authority	42
7.3	Establishment of Sub-Districts	42
7.4	Non Applicability of other Provisions of these By-Laws	42
7.5	Multiple Buildings and Uses	42
7.6	Uses	43
7.7	Parking and Loading	43
7.8	Shared Parking and Loading	45
7.9	Special Dimensional Requirements	45
7.10	Special Site Plan Approval Provisions	46
7A.	MIXED USE DEVELOPMENT DISTRICT (MUDD)	46
7A.1	Purpose	46
7A.2	Location	46
7A.3	Master Development Plan	46
7A.4	Permitted Uses	48
7A.5	Dimensional Standards and Requirements	57
7A.6	Parking and Loading	58
7A.7	Transportation Demand Management (TDM)	59
7A.8	Signage	59
7A.9	Design and Performance Standards	60
7A.10	Administration	63
8.	R-1 LOW DENSITY DISTRICT	73
8.1	Proposed District	73
8.2	Non-Applicability of other Provisions of these By-Laws	73
8.3	Uses	73
8.4	Parking and Loading	75
9.	WATER RESOURCES PROTECTION OVERLAY DISTRICTS	75
9.1	Intent	75
9.2	Establishment: Determination of Boundaries	75
9.3	Water Resources Protection Requirements	76
9.4	Prohibited Uses	76
9.5	Special Permit Uses	78
9.6	Special Permit Criteria	78
9.7	Submittals	78
9.8	Definition of Toxic or Hazardous Materials	79
9A.	WEYMOUTH GROUND MOUNTED SOLAR PV OVERLAY DISTRICT	79
9A.1	Purpose of District	79
9A.2	Scope of Authority	79
9A.3	Certain Additional Definitions	80

9A.4	Rated Nameplate Capacity.....	80
9A.5	General Requirements for Large Scale Ground Mounted Solar Photovoltaic Installations.....	80
9A.6	Site Plan Review	80
9A.7	Site Control	81
9A.8	Operation & Maintenance Plan.....	82
9A.9	Utility Notification.....	82
9A.10	Dimension and Density Requirements.....	82
9A.11	Design Standards	82
9A.12	Safety and Environmental Standards	83
9A.13	Monitoring and Maintenance.....	84
9A.14	Abandonment or Decommissioning	84
9A.15	Abandonment.....	85
9A.16	Financial Surety	85
10.	WIRELESS COMMUNICATIONS.....	85
10.1	Definitions.....	85
10.2	Wireless Communication Equipment	86
11.	SPECIAL PERMITS	89
11.1	Applicability	89
11.2	Special Permit Granting Authority	89
11.3	Uses Allowed Only by Special Permit Are Also Subject to Site Plan Review	90
11.4	Application and Review Procedure	90
11.5	Special Permit Standards and Criteria	91
11.6	Findings and Determinations for Granting of Special Permits.....	93
11.7	Effective Date of Special Permit.....	95
11.8	Lapse of Special Permits.....	95
11.9	Repetitive Petitions	95
11.10	Large and Complicated Projects	95
12.	SITE PLAN REVIEW	95
12.1	Applicability	95
12.2	Review Authority.....	96
12.3	Site Plan Review Application Submission Requirements	96
12.4	Review, Public Hearing and Timeline for Action	97
12.5	Site Plan Review Standards and Criteria	97
12.6	Amendments to Approved Site Plan.....	98
12.7	Lapse of Site Plan Approval	99
13.	DEVELOPMENT PLAN REVIEW.....	99
13.1	Purpose.....	99
13.2	Applicability	100
13.3	Review Authority.....	101
13.4	Application and Review Procedure	101
13.5	Standards and Criteria.....	102

13.6	Findings and Determinations for Approval of Development Plans.....	103
13.7	Modification of a Development Plan.....	105
13.8	Effective Date of Development Plan Approval.....	105
13.9	Lapse of Development Plan Approval.....	105
14.	NONCONFORMING USES AND STRUCTURES.....	105
14.1	Existing Buildings and Structures; List of Nonconforming Buildings, Structures and Uses.....	105
14.2	Loss of Non-Conforming Status.....	106
14.3	Use of Nonconforming Buildings and Structures.....	106
14.4	Minor Repairs.....	106
14.5	Casualty.....	106
14.6	Additional Standards.....	106
15.	ENFORCEMENT.....	107
15.1	Zoning Enforcement Officer.....	107
15.2	NAS Board of Appeal.....	107
15.3	Variances.....	107
15.4	Interpretations.....	108
15.5	Appeals of Decisions of Land Use Administrator.....	108
15.6	Appeal of the Authority's Actions.....	109
15.7	Enforcement Provisions and Penalties.....	109
16.	EARTH REMOVAL.....	110
16.1	Special Permit.....	110
16.2	Exemptions.....	112
16.3	All Other Applicable Provisions of Law to Apply.....	113
17.	SUBDIVISIONS.....	113
18.	REVISIONS TO THE BY-LAWS.....	113
18.1	Revisions Which Are Not Substantial.....	113
18.2	Substantial Revisions.....	114
18.3	Amendments to Increase or Decrease the Size of the WRP District.....	114
18.4	Codification of Revisions to the By-Laws.....	115

EXHIBIT A Zoning District Map

EXHIBIT A-1 Central Redevelopment Area and Perimeter Area Map

EXHIBIT B Water Resources Protection Overlay Map

EXHIBIT C Table of Permitted Uses

EXHIBIT D Table of Dimensional Standards

EXHIBIT E List of Existing Nonconforming Buildings

EXHIBIT F Building Forms

ZONING AND LAND USE BY-LAWS FOR NAS SOUTH WEYMOUTH

1. GENERAL PROVISIONS

1.1 Authority

- A. These Zoning and Land Use By-Laws, hereinafter the “By-Laws,” shall be known and may be cited as the Zoning and Land Use By-Laws of Naval Air Station (NAS) South Weymouth.
- B. The By-Laws are adopted pursuant to the legal authority provided by Chapter 291 of the Acts of 2014 effective August 2014, as the same may be amended and/or restated from time to time (the “Enabling Legislation”) and are intended to supersede in their entirety the Zoning and Land Use By-Laws for NAS South Weymouth which were previously approved by the towns of Abington, Rockland and Weymouth (the “Towns”).

1.2 Purpose

These By-Laws and the Regulations (as defined in **Section 1.4(C)** hereof) shall govern land development activities within the former NAS South Weymouth. These By-Laws establish objectives, policies, and standards to promote the expeditious and orderly conversion and redevelopment of NAS South Weymouth for non-military purposes, including commercial, business, retail, research and development, industrial, residential, institutional, educational, governmental, recreational, and conservation and manufacturing uses, and accessory uses ordinarily incident thereto; and for the development of public facilities, utilities, and infrastructure necessary to support those uses.

1.3 The Authority

- A. Southfield Redevelopment Authority (the “Authority”) is a body politic and corporate of the Commonwealth of Massachusetts created pursuant to the Enabling Legislation for the purpose of ensuring the full redevelopment of NAS South Weymouth for non-military uses and for the greatest benefit of the Towns. The Authority has the powers described in the Enabling Legislation and these By-Laws. The Authority is the successor to the South Shore Tri-Town Development Corporation (the “Corporation”).
- B. Except as otherwise expressly provided in the Enabling Legislation or these By-Laws, (i) the Authority shall have the authority to take action and to issue permits, approvals, licenses, orders, determinations and other entitlements in accordance with the procedures and standards applicable to municipalities and their boards, commissions and agencies so authorized to take such action or to issue any such permit, approval, license, order, determination or other entitlement under the provisions of the general laws of the Commonwealth, and (ii) all such actions, including a failure to take action, and such permits, approvals, licenses, orders, determinations, and other entitlements shall have the legal effect and duration as

provided in such general laws of the Commonwealth. All of the provisions of such general laws, including jurisdiction of the courts and agencies of the Commonwealth to act thereon, applicable to appeals therefrom or other administrative or judicial action applicable thereto in the case of any action, inaction, or issuance of a permit, approval, license, order, determination or other entitlement by a municipality, or any of its boards, commissions or agencies, shall be fully applicable to the action, inaction or issuance of a permit, approval, license, order, determination or other entitlement by the Authority (except that the duties of a town clerk in respect thereto shall be performed by the Authority or the person designated by the Authority to perform such function).

1.4 Legal Relation Among the Redevelopment Plan, the By-Laws and the Regulations

A. Redevelopment Plan

The Enabling Legislation anticipates that the redevelopment of NAS South Weymouth shall be accomplished in a manner consistent with the Redevelopment Plan. Notwithstanding anything contained herein to the contrary, the Authority shall not approve any proposed use, structure and/or development unless it finds that such use, structure and/or development is consistent with the Redevelopment Plan, including, without limitation, the location of all uses, structures, and development in the MUDD.

B. By-Laws

As contemplated by the Enabling Legislation, these By-Laws furnish the legal foundation and procedural framework for the implementation of the planning and reuse goals and objectives set forth in the Enabling Legislation. These By-Laws (i) identify the various zoning districts and overlay districts, as well as the land uses and range of activities that will be permitted in each of the zoning and overlay districts; (ii) establish measures of density and intensity of development allowable in each zoning district and overlay district; and (iii) establish the general procedures through which these By-Laws will be administered. These By-Laws are adopted pursuant to the authority set forth in the Enabling Legislation, and are to be interpreted in accordance with the provisions of **M.G.L. c. 40A**, except to the extent the provisions of Chapter 40A are inconsistent with the provisions of the Enabling Legislation.

C. Authority Regulations

As provided in the Enabling Legislation, the Authority may, independently, develop, adopt and modify from time to time a set of regulations (hereinafter the "Regulations"), which shall be consistent with these By-Laws and shall provide additional substantive and procedural controls over the reuse of NAS South Weymouth. In the event of any inconsistency between these By-Laws and the Regulations, these By-Laws shall control.

1.5 Effective Date of the By-Laws

These By-Laws shall take effect on the day after the latest of the dates on which the Authority and each of the Towns approves the By-Laws pursuant to the terms of the Enabling Legislation (the "Effective Date").

1.6 Severability

The provisions of these By-Laws are severable, and if any of the provisions shall be held unconstitutional or otherwise unenforceable by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

1.7 Meaning of Terms

Terms and words not defined in these By-Laws but defined in the Commonwealth of Massachusetts State Building Code shall have the meaning given therein unless a contrary intention is clear. Words not defined in these By-Laws or in the Building Code shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary. Terms and words defined in these By-Laws shall have the meaning given herein whether such words are used in the upper or the lower case.

1.8 Word Usage

Words used in the present tense include the future. The word "shall" is always mandatory and not merely directory.

2. ADMINISTRATION OF THESE BY-LAWS

2.1 General

- A. The Authority is comprised of nine (9) directors who are appointed and serve in accordance with the provisions of the Enabling Legislation.
- B. A quorum for the Authority consists of five (5) directors. Except as otherwise expressly provided in the Enabling Legislation or in these By-Laws, a minimum of four (4) affirmative votes of the quorum shall be required for any action of the Authority under these By-Laws or the Regulations.
- C. The meetings of the Authority are governed by **M.G.L. c. 30A, §§18-25** (the "Open Meeting Law"), as it may be amended from time to time.
- D. At least forty-eight business hours prior to the date on which a meeting of the Authority is scheduled to take place pursuant to these By-Laws, the Authority shall post written notice as required by the Open Meeting Law for local public bodies. Meetings shall be held within the boundaries of NAS South Weymouth, unless otherwise specified by the Authority for a particular meeting.

- E. Wherever these By-Laws require the Authority to hold a public hearing, the Authority shall post notice of the time, place, and a brief statement of the subject matter of such hearing as required by the Open Meeting Law for local public bodies. Such notice shall also be given by publication in a newspaper of general circulation as required by the Open Meeting Law for local public bodies and in addition by publication in a newspaper of general circulation in the Towns once a week for two (2) successive weeks, with the first publication being not less than fourteen (14) days prior to the date of such public hearing. Where notice to individuals, including Abutters, is required, notice shall be sent by mail, postage prepaid. Documents related to such hearing shall be made available for inspection in the offices of the Authority. The Authority may accept a waiver of notice from or an affidavit of actual notice to any person entitled to notice hereunder.
- F. Minutes shall be kept of all Authority meetings conducted pursuant to these By-Laws.
- G. The Authority's records, where defined as public records pursuant to **M.G.L. c. 4, Section 7**, shall be subject to disclosure, as provided in **M.G.L. c. 66, § 10**.
- H. The chairperson of the Authority may from time to time appoint one or more subcommittees to advise the Authority in carrying out any of its purposes pursuant to these By-Laws. Each subcommittee shall contain no more than four (4) directors of the Authority.
- I. The Authority shall ensure that development and use of land at NAS South Weymouth is carried out in compliance with these By-Laws and the Regulations.
- J. The provisions of these By-Laws and any Regulations adopted hereunder shall apply within the boundaries of NAS South Weymouth. As described in more detail below, the Authority shall administer and enforce these By-Laws and the Regulations within the boundaries of the Central Redevelopment Area, and the Applicable Town Boards of each Town shall administer and enforce the By-Laws and Regulations within the boundaries of that portion of the Perimeter Area located within such Town. 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.

2.2 Zoning Enforcement Officer

- A. These By-Laws shall be enforced by the Land Use Administrator. The term "Zoning Enforcement Officer" shall mean the Authority's Land Use Administrator.
- B. If the Zoning Enforcement Officer finds any activity in relation to land or buildings which is in violation of these By-Laws, he/she shall send written notification of the violation to the owner and order that the activity in question be stopped

immediately, giving the reasons for the order. The order may be made by the Zoning Enforcement Officer over his/her own signature.

- C. Appeal of a decision by the Land Use Administrator may be made to the NAS Board of Appeal, as provided in **Article 15**.
- D. The building departments of the respective Towns shall be responsible for granting permits for the construction, alteration, relocation, occupancy, or use of any building, structure or improvement located within NAS South Weymouth; provided, however, no such permit may be issued until the Zoning Enforcement Officer has issued a certificate (“Zoning Compliance Certificate”) to the applicable building department confirming the proposed erection, alteration or relocation of the building or structure, and the use and occupancy thereof, conforms to these By-Laws and any Regulations.
- E. The Zoning Enforcement Officer shall grant no permit or certificate for the construction, alteration, relocation, occupancy, or use of any building, structure or improvement in violation of the provisions of these By-Laws. Whenever a permit is refused, the reason therefor shall be clearly stated in writing.
- F. No building or structure shall be hereafter erected, altered or relocated and no change shall be made of the use of any building or structure or parcel of land unless a building permit and/or a use and occupancy permit (signed by the building commissioner of the applicable Town following receipt of a Zoning Compliance Certificate from the Zoning Enforcement Officer) has been granted to the owner of said land, building or structure. No such permit shall be granted unless the proposed erection, alteration or relocation of the building or structure, and the use and occupancy thereof, conforms to these By-Laws and the Regulations.

2.3 Administrative and Enforcement Powers

- A. In accordance with the Enabling Legislation, the Authority is obligated to administer and enforce the By-Laws and any Regulations. The Authority shall appoint a “Land Use Administrator” to promote the efficient administration of the Enabling Legislation, the By-Laws, and any Regulations. The Land Use Administrator shall have substantial professional experience involving planning, land use control, design and development issues. The Land Use Administrator may be an individual or a group of individuals, at the Authority’s discretion. The Land Use Administrator shall assist the Authority in the review and evaluation of applications for development permits and licenses authorized under the By-Laws and/or Regulations and may have other obligations as provided herein. The Authority may employ other staff and consultants to assist in carrying out its duties.
- B. The Authority shall administer and enforce the By-Laws and Regulations by exercising the administrative and enforcement powers granted to the Authority under these By-Laws or otherwise pursuant to the Enabling Legislation, and may,

by regulation duly adopted in accordance with the Enabling Legislation and with such conditions as it deems appropriate, delegate to the Land Use Administrator the Authority's responsibilities for administering and enforcing these By-Laws. The powers of the Authority shall include the following:

- (1) the power to direct the Town to issue, withhold or revoke building and occupancy permits;
- (2) the power to assess penalties for violation of the By-Laws, or Regulations in amounts no more than three hundred dollars (\$300.00) per day, per violation, provided that each day such violation continues shall constitute a separate offense;
- (3) the power to institute actions in court to compel the removal, alteration, or relocation of any structure or other improvement that violates the By-Laws or Regulations;
- (4) the other enforcement powers available to local zoning enforcement officers pursuant to **M.G.L. c. 40A, § 7**;
- (5) the powers granted to a planning board and/or special permit granting authority pursuant to **M.G.L. c.40A** and **M.G.L. c.40B**, for the purpose of regulating land use.
- (6) the powers available to a zoning board of appeals pursuant to **M.G.L. c. 40A, Sections 8, 14 and 15** (except certain authority delegated to the NAS Board of Appeal pursuant to **Section 15.5** of these By-Laws);
- (7) the powers granted to a conservation commission for the purposes of enforcing the provisions of the Wetlands Protection Act, **M.G.L. c.131, Sections 40 and 40A**, provided that the Authority shall administer its powers relating to the protection of wetlands in accordance with regulations issued by the Department of Environmental Protection for the implementation of the Wetlands Protection Act, and provided further that any appeal of an order of conditions issued by the Authority shall be made to said Department.
- (8) the power to require security for the construction of ways and municipal services to a subdivision, as provided in **M.G.L. c. 41, § 81U**;
- (9) the powers available to enforce the subdivision control section of the By-Laws and Regulations, as provided in **M.G.L. c. 41, §§ 81K - 81GG**;
- (10) the issuance of permits and the assessment of fines related to the violation of the By-Laws and Regulations; and

- (11) the other powers expressly and impliedly conferred upon the Authority pursuant to the Enabling Legislation, provided, however, that nothing in these By-Laws shall purport to limit the right of any aggrieved party (including any of the Towns) to exercise its statutory right to review or appeal any action of the Authority.
- C. Except as otherwise provided to the contrary in the Enabling Legislation, the Authority shall establish in the Regulations specific procedures and controls necessary to regulate the municipal powers enumerated in **M.G.L. c. 40, § 21**, and such Regulations shall include enforcement provisions, including the assessment of fines and penalties, for breach of such Regulations, provided that such fines shall be recovered by criminal or noncriminal dispositions, as provided in **M.G.L. c. 40, § 21D**.
- D. If the Authority is requested in writing to enforce these By-Laws or the Regulations against any person allegedly in violation of same, and the Authority declines to act on such request, the Authority shall notify the party requesting such enforcement of any refusal to act and the reasons therefor, in writing, within 14 days of receipt of such request.
- E. The Authority may commence an action in Superior Court or Land Court to compel enforcement of its actions or orders relating to matters within the Authority's jurisdiction pursuant to these By-Laws or the Regulations.

2.4 Lots in Two or More Municipalities

If any building or structure is proposed to be constructed on a lot located within two or more Towns, the building department of the Town in which the majority of the gross floor area of the building or structure is to be located shall have exclusive jurisdiction. Once construction has begun pursuant to a building permit, the Town with such jurisdiction shall retain such jurisdiction, even if subsequent improvements cause the majority of the gross floor area to be located thereafter in the other Town.

3. DEFINITIONS

3.1 Definitions of Use and Classes of Use Terms

Refer to **Article 5** (Regulation of Uses) for the definitions of principal use, accessory use, and the classes of uses that are permitted and regulated under these By-Laws.

3.2 Definitions of Dimensional Standards Terms

Refer to **Article 6** (Dimensional Standards) for the definitions of dimensional standards established under these By-Laws.

3.3 Definitions of Miscellaneous Terms

Abutter - An owner of land abutting or contiguous with a subject lot, and an owner of that land most directly opposite and facing a subject lot across any street or way. For purposes of identification in providing notice, owners shall be those persons as they appear on the most recent applicable tax list maintained by the Assessors of the Towns, the Town of Hingham or the Authority (as applicable).

Access - The ability of persons to enter and leave property as pedestrians and/or as occupants of a vehicle.

Accessory Structure - See **Article 6**.

Accessory Use - See **Article 5**.

Adult Entertainment – See **Article 5**.

Affordable Housing Fee Schedule – the schedule on file with the Authority setting forth the amount payable under Article 7A.4.4.2 to offset the lack of the Affordable Housing within the MUDD.

Affordable Housing – means, collectively, Affordable Housing Units and Workforce Housing Units.

Affordable Housing Unit – dwelling unit available at a cost of no more than thirty percent (30%) of the gross annual income of households at or below eighty percent (80%) of the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area Median Income, adjusted for household size, as reported by HUD.

Alteration (of a building) - Any construction, reconstruction, change, rearrangement, enlargement or addition to a building that results in a change in the building's structural parts, height, or exit facilities, or which modifies its location or manner of construction in any way that varies the character of its use.

Anchor Retail – See **Article 5**.

Apartments – See **Article 5**.

Apartments with Commercial – See **Article 5**.

Apartments - Podium – See **Article 6**.

Applicable Town Board - See **Article 2**

Applicant - A person or entity who, with consent of the owner of a subject property, has submitted an application for review of a proposed use or development under applicable provisions of these By-Laws.

Assisted Living – See **Article 5**.

Attic – The space immediately below the roof of building. This space may be habitable.

Authority – The Southfield Redevelopment Authority. See **Article 1**.

Assisted Living or Congregate Living Residence Facility - See **Article 5**.

Base Subdivision Regulations – The Subdivision Rules and Regulations for NAS South Weymouth dated December 16, 2014, as the same may be amended from time to time.

Bay (including Bay Window) - A building element consisting of the space between two vertical structural members, extending down to the foundation and often projecting beyond the wall line of the building.

Bed and Breakfast – See **Article 5**.

Biopharmaceutical Manufacturing – See **Article 5**.

Building - An enclosed structure, having a roof, and used as shelter or occupancy for humans, animals, materials, or equipment.

Building Footprint - See **Article 6**.

Building Form – For the purposes of this By-Law, Building Form refers to the specific dimensional requirements for building types and uses as set forth in **Section 6.5** and **Exhibit F**.

Building Height - See **Article 6**.

Building Line - A line parallel to a front, side, or rear lot line, and separated from the lot line by a distance equal to the applicable minimum required front, side, or rear setback established under **Article 6** of these By-Laws. No portion of a building or other vertical structure shall extend into the setback area between the building line and the lot line, unless otherwise allowed under another specific provision of these By-Laws.

CDA – means the Core Development Area as defined in **Article 7A**.

Change in Use – See **Article 5**.

Club House – See **Article 5**.

Commercial Uses, generally – See **Article 5**.

Common Open Space – The area of publicly accessible land shared by surrounding dwelling units. This open space may have paths, landscaping or other amenities. In a private housing association, the Common Open Space is maintained through homeowner association or condominium fees.

Communications and Utility Uses, generally – See **Article 5**.

Condominium - An area of land submitted to the provisions of **M.G.L. c. 183A**.

Conference Center – See **Article 5**.

Conformance Determination – an administrative determination, which shall be issued by the Authority in accordance with Article 7A.10.1.1.

Congregate Living – See **Article 5**.

Central Redevelopment Area – The area identified as the Central Redevelopment Area on the map set forth on **Exhibit A-1**, for so long as such an area exists pursuant to the Enabling Legislation.

Corporation – See **Article 1**.

Day Care Center – See **Article 5**.

Deck - An unroofed, hard-surface area, with one or more levels, constructed so as to be supported by above-grade structural members, usually directly adjacent to a building but which may or may not be structurally attached to the building.

Dedicated Commercial Zone – The area contained within the boundaries of the Dedicated Commercial Zone as shown on the Central Redevelopment Area and Perimeter Area Map, for so long as such a zone exists pursuant to the Enabling Legislation.

Design Review Certificate – any certificate that may be required to be issued by the Master Developer (or its successors, assigns and/or designee) before construction may commence in accordance with the terms of any recorded instrument encumbering the subject property.

Development - The construction, reconstruction, conversion, alteration, relocation, enlargement or substantial rehabilitation of any structure or building; the excavation, fill, or mining of land; the use or change in use of any structure, building, or land; or the extension of use of land for which review and/or approval is required by these By-Laws.

Development Plan – See **Article 13**.

Driveway – A paved area serving to provide vehicular access to a lot from a street.

Dwelling/Residence – A building or portion thereof designed or used for residential occupancy, including Single-Family and Multi-Family residences and Townhouses, but not including Hotels or Boutique Hotels.

Dwelling Unit - A building or portion of a building providing complete, independent living facilities containing one (1) or more rooms arranged for the use of one (1) family, with cooking, living, sanitary and sleeping facilities.

Easement – A legal, publicly-recorded liberty, right, privilege, limited use or advantage without profit, which a person(s) may have in the real property of another person(s).

Educational Uses, generally – See **Article 5**.

Elevation – Height relative to mean sea level.

Enabling Legislation – See **Article 1**.

Essential Service of a Public Entity or Public/Private Utility Provider – See **Article 5**.

Family – An individual; or two or more persons related by blood, marriage or adoption; or up to four unrelated persons (for purposes of controlling residential density, not more than four unrelated individuals shall constitute a family), living together as a single housekeeping unit and occupying one dwelling unit.

Frontage – See **Article 6**.

Funeral Home – See **Article 5**.

Garage – An Accessory Structure designed or used for the storage of motor vehicles, and in which no business or occupation is carried on other than Home Occupations.

General Services – See **Article 5**.

Golf Course– See **Article 5**.

Government Office – See **Article 5**.

Grade – A reference plane (referenced to mean sea level) representing the natural or finished ground line of land.

Grade, Existing – The elevation of the ground line in existence on a subject portion of a lot prior to commencement of any development activity on that lot after the adoption of these By-Laws.

Grade, Finished – The elevation of the reference plane representing the average finished ground line adjoining a building at all the exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest elevation within the area between the building and the lot lines or, when all the lot lines are more than 50 feet from the building, between the building and a point 50 feet from the building. Average finished grade of a lot with more than one building located thereon shall be the average of all the individual finished grades calculated for each building located on said lot.

Gross Floor Area– The sum of the gross horizontal area of all floors of a building measured from the exterior face of the exterior walls or the centerlines of party walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features.

Group Residence – See **Article 5**.

Health/Fitness Club – See **Article 5**.

Home Occupation – See **Article 5**.

Homeless Shelter – See **Article 5**.

Hotel – See **Article 5**.

Hotel, Boutique – See **Article 5**.

Impervious Surface - All roofed building areas, all hard-paved surfaces, and all soils, areas or other surfaces on the ground that have a coefficient of runoff of 0.90 or greater based on the Rational Method of storm drainage system design or 0.95 or greater based on the Soil Conservation Service Method.

Independent Living Residence Facility – See **Article 5**.

Indoor Commercial Recreation, General – See **Article 5**.

Indoor Commercial Recreation, Concentrated – See **Article 5**.

Industrial Uses, generally – See **Article 5**.

Infrastructure – Physical installations, improvements, and utilities provided as part of the functional systems needed to serve development. Infrastructure may include police, fire, sanitation, health, and educational services and facilities as well. (Also see “Utility”).

Institutional Uses, generally – See **Article 5**.

Kennel – A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel as those terms are defined in **M.G.L. c. 140 §136A**.

Land Use Administrator – See **Article 2**.

Landscaped Area – An area designed and developed using a combination of natural features of the lot (such as trees, shrubs, ground covers and grasses), and/or elements such as walks and terraces for the purpose of enhancing the natural, scenic, and aesthetic qualities of the lot. Landscaped area components may include both natural and man-made elements such as reflecting pools, works of art, walkways, screens, walls, fences, benches, and other types of landscape or street furniture. Landscaped area components may also include other materials used for improving outdoor space, such as rocks, pebbles, sand, bark mulch, landscape pavers, earthen mounds, water and the like, (including curbing and pavement for bicycle or vehicular use). Landscaped area shall may include stormwater management ponds or basins. Landscaped areas shall be designed and developed in accordance with the Regulations.

Large Warehouse/Distribution - See **Article 7A**.

Light Industry – See **Article 5**.

Live/Work – See **Article 5**.

Loading Space - An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, and which abuts upon a driveway, maneuvering aisle, or other appropriate means of access, used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Long-Term Care Facility – See **Article 5**.

Lot – A single parcel of land under one ownership and undivided by a street or public way, with definite boundaries as indicated by recorded deed or as shown on a recorded plan.

Lot, Buildable – For the purpose of these By-Laws, a buildable lot shall be a lot which satisfies the dimensional standards provisions found in **Article 6** and is available for use as the site of one or more principal and accessory uses. A lot that does not meet applicable dimensional requirements shall be deemed unbuildable unless variances are obtained as set forth in **Article 15**, and shall not include land area from any other lot that is required to satisfy the dimensional requirements of another lot.

Lot, Corner – A lot situated at the intersection of and abutting two streets which have an angle of intersection of not more than 135 degrees.

Lot, Nonconforming – A lot which does not conform to the dimensional requirements for the use of a building, structure or land in the district in which it is located, provided that such lot was in existence and lawful before the dimensional requirements became effective, and pursuant to the provisions of **M.G.L. c.40A, § 6**.

Lot Area – See **Article 6**.

Lot Coverage – See **Article 6**.

Lot Line – A line that divides one (1) lot from another, or from a street or Common Open Space as approved by the Special Permit Granting Authority.

Lot Line, Front – The property line dividing a lot from a street right-of-way or Common Open Space as approved by the Special Permit Granting Authority.

Lot Line, Rear – Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

Lot Line, Side – Any lot line other than a front or rear lot line.

Lot Occupation – See **Article 6**.

Master Developer – the entity or entities designated by the Authority as the Master Developer pursuant to the Enabling Legislation.

Master Development Plan – the master development plan entitled “Master Development Plan, Mixed Use Development District, With Core Development Area,” dated March 3, 2023, which, as of the Effective Date, has been adopted by each of the Weymouth Town Council and the town meetings of Abington and Rockland in accordance with the procedures for adoption or change of zoning ordinances or by-laws set forth in M.G.L. Chapter 40A, section 5, as the same may be further amended from time to time in accordance with these By-Laws.

Medical Laboratory – See **Article 5**.

Motor Vehicle Fuel Station – See **Article 5**.

Motor Vehicle Sales – See **Article 5**.

Motor Vehicle-Related Services – See **Article 5**.

Movie/Play House – See **Article 5**.

Multifamily – See **Article 5**.

Municipal Public Service Facility – See **Article 5**.

MUDD – See **Article 7A**.

MUDD Subdivision Regulations – The Subdivision Rules and Regulations for the Naval Air Station (NAS) South Weymouth Developable Area applicable only to the Mixed Use Development District, as the same may be amended from time to time.

NAS Board of Appeal – See **Section 15.2**.

Neighbor – An owner of land, any part of which is within 300 feet of the perimeter of the legal boundaries of a *subject lot*.

Neighborhood Commercial – See **Article 6**.

Nonconforming Structure – A structure or building which does not conform to the dimensional requirements of these By-Laws, related to the physical aspects of the structure, for the district in which it is located, provided that such structure was in existence and lawful before such requirements became effective. For purposes of this definition, dimensional requirements related to the physical aspects of the structure include maximum lot area, maximum lot coverage, maximum building height, and minimum and maximum front, side, or rear building setbacks.

Nonconforming Use – See **Articles 5 and 14**.

Nonconformity Relative to Landscaping Requirements – A lot which does not conform to the landscaping (including buffering and screening) requirements of these By-Laws for the use(s) located upon said lot, provided that such use(s) and its associated landscaping were in existence and lawful before such requirements became effective.

Nonconformity Relative to Parking Requirements – A lot which does not conform to the parking and/or loading requirements of these By-Laws for the use(s) located upon said lot, provided that such use(s) and its associated parking were in existence and lawful before such requirements became effective.

Nuisance – Activity which arises from unreasonable, unwarranted or unlawful use by a person of his/her own property, which creates an obstruction or injury to the legal rights of another, or to the public, or which produces annoyance, inconvenience, or damage to an individual or the public. This includes, but is not limited to, excessive levels of odor, sound, light, dust and vibration.

Off-Site – Not on or within the lot specified in any application under these By-Laws, and not within other areas (such as utility or parking easements) which, pursuant to these By-Laws, may be included in a lot for the purpose of complying with the requirements of these By-Laws.

Office – See **Article 5**.

Office / Commercial Uses, generally – See **Article 5**.

Office, Medical – See **Article 5**.

On-Site – On or within the lot specified in any application under the terms of these By-Laws, or within other areas which, pursuant to these By-Laws, may be included in a lot for the purpose of complying with the requirements of these By-Laws.

Open Space – land, which may include the area within a water body and which is dedicated or restricted, either as a functional or visual buffer, or limited to outdoor recreation or other similar use, including, without limitation, (i) areas of naturally existing fields, wooded areas and wetlands or other open areas, gardens and lawns;(ii) areas containing playgrounds, swimming pools, tennis courts or similar recreational structures or facilities; and (iii) areas used for drainage.

Open Space/Recreational Uses, generally – See **Article 5**.

Original Effective Date– See **Article 14**.

Original List – See **Article 14**.

Out Building – See **Article 6**.

Outdoor Commercial Recreation, Light – See **Article 5**.

Outdoor Commercial Recreation, General – See **Article 5**.

Outdoor Commercial Recreation, Concentrated – A commercial recreation land use primarily conducted outside of a building, characterized by potentially significant impacts on traffic, the natural environment, and the surrounding neighborhood, and having associated parking of over fifty (50) spaces. Such uses may include water parks, amphitheaters, amusement parks, auto cycle or go-cart tracks, campgrounds, recreation vehicle parks, stadiums, shooting ranges, zoos, automobile race tracks, outdoor movie theaters, and other like uses.

Parcel – A part or portion of land with ascertainable boundaries, but not necessarily a lot or buildable lot as defined in this **Article 3**.

Parking Access – The means of vehicular entry to, or exit from the lot, specifically to the location on the lot where the parking space is located.

Parking Area – The maximum dimensions of the area on the lot to be used to create the required parking space(s).

Parking Lot – A paved, at-grade area designed or used for the temporary off-street parking of motor vehicles, but where no vehicles may be equipped, repaired, rented, or sold.

Parking Space – An on- or off-street space, which may be located along a street, or within a parking lot, structure or garage (where no vehicles may be equipped, repaired, rented, or sold), to be used exclusively as a temporary storage space for one motor vehicle, but excluding “loading space” as defined elsewhere in this **Article 3**.

Parties in Interest – The owner of the subject lot, the applicant or petitioners, Abutters and Neighbors of the subject lot, as they appear on the most recent tax lists of the Towns, the Town of Hingham or the Authority (as applicable); the Authority; and the Planning Board of any town within which the subject lot is located or which the subject lot abuts.

Patio – A hard surfaced area of one or more levels having no permanent roof coverings, usually directly adjacent to a building, and constructed such that its finished walking surface is laid or poured directly on finished grade.

PDR Approval - an administrative approval, which shall be issued by the Authority upon completion of a Project Development Review in accordance with Article 7A.10.1.2.

Perimeter Area – The area identified as the Perimeter Area on the map set forth on **Exhibit A-1**, for so long as such an area exists pursuant to the Enabling Legislation.

Permit Granting Authority – See **Article 12**.

Person – Shall include an individual, corporation, limited liability company, society, association, trust or partnership.

Planned Developments – See **Article 13**.

Porch – A roofed open area, structurally attached to or part of and having direct access to a building, but which is unheated and without air conditioning. A porch may be glazed or screened provided the percentage of window area to wall area is 50% or greater.

Premises – A residence of a person or persons, or the place of business of an enterprise or institution, limited to that parcel or part of land, buildings or structures actually occupied by said residence or business.

Primary Street – See **Article 6**.

Principal Building – See **Article 6**.

Principal Use – See **Article 5**.

Profession – A vocation or employment activity requiring special knowledge, usually obtained through extensive academic preparation at the college level or higher.

Project Development Review – an administrative review conducted by the Authority following an application submitted for any phase or area of development within the MUDD (other than the CDA).

Property – An area designed as a separate and distinct parcel of land on a legally recorded plat or in a legally recorded deed as filed in the official land records of Norfolk or Plymouth Counties.

Public Infrastructure Uses, generally – See **Article 5**.

Publicly Owned – Fee simple ownership, easement held, or management in trust by any Federal, State or local government or any of its agencies or divisions, including, but not limited to, the following: the United States Government, the Commonwealth of Massachusetts, the Massachusetts Department of Conservation and Recreation, the Massachusetts Bay Transportation Authority, the Massachusetts Water Resources Authority, the Massachusetts Development Finance Agency, the Authority, the Town of Hingham and the Towns.

Public Recreation – See **Article 5**.

Redevelopment Plan – The Final Redevelopment Plan dated March 15, 2023 as approved by the Authority on March 15, 2023.

Regulations – See **Article 1**.

Religious Use – See **Article 5**.

Research and Development – See **Article 5**.

Residential Uses, generally – See **Article 5**.

Restaurant – See **Article 5**.

Restrictive Zoning District – A zoning district in which a specified use requires a special permit is a more restrictive zoning district with respect to such use than a district in which such use is permitted as-of-right; and a zoning district with a specific dimensional or other requirement which places more limitations on the permissible amount of development on a lot than in another zoning district is a more restrictive zoning district with respect to such requirement than such other district.

Retail - See **Article 5**.

Secondary Use – See **Article 5**.

Senior Residence Community – See **Article 5**.

Setback, generally - See **Article 6**.

Setback, Front – See **Article 6**.

Setback, Rear – See **Article 6**.

Setback, Side – See **Article 6**.

Single Family Detached – See **Article 6**.

Single Family or Single Family House - See **Article 5**.

Slope - The existing or natural incline of land expressed as a ratio of measurement of feet of vertical distance per measurement in feet of horizontal distance. As an example, a vertical rise of seven (7) feet in elevation over a horizontal distance of 100 feet is a 7% slope.

Special Permit - A special approval that may be granted by the Special Permit Granting Authority, based on positive findings and determinations as specified in **Article 11** of these By-Laws and in the Regulations, for a use or activity not permissible as-of-right in a given zoning district. A special permit also may be granted for certain uses in a WRP District as provided in **Article 9**, and for modification of certain parking and loading requirements as specifically set forth in these By-Laws or the Regulations. Notwithstanding the foregoing, any Special Permit that may be granted for a use in the OSD or MUDD (including as required under **Article 9** for those areas located within the portions of the OSD or MUDD location within the WRP District) shall be subject to the provisions of **Article 7A.10.2** in lieu of the provisions of **Article 11**.

Special Permit Granting Authority or SPGA - See **Article 11**.

Station, Substation, Automatic Telephone Exchange of a Utility Company – See **Article 5**.

Street - Any Way, as defined below.

Street Line - A dividing property line between a street and adjacent lot(s).

Structure - Any facility constructed or erected of material or a combination of materials in or upon the ground, including, but not by way of limitation, buildings, mobile home units, radio towers,

sheds, signs, storage bins, swimming pools, tennis courts and basketball courts, but excluding facilities located entirely below existing or natural grade, sidewalks and paving on streets, driveways, parking areas and patios. The word ‘structure’ shall be construed, where the context allows, as though followed by the words ‘or part thereof.’”

Structure, Accessory - See **Article 6**.

Structured Parking – See **Article 5**.

Substantial Rehabilitation - Alterations or repairs to a building or structure, within any period of 12 months, costing in excess of 50% of the existing physical value of the building or structure. The existing physical value of a building or structure shall be equal to the assessed value as recorded on January 1st of the present calendar year in the Assessor’s Office of the Towns or the Authority (as applicable). Repairs to a building or structure required strictly to bring the structure to compliance with the building or health codes shall not be considered substantial rehabilitation.

Subdivision - All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or development, and including all divisions of land in which a new street or access way is needed to provide access to a parcel(s) which would otherwise be landlocked or which involve a change in existing streets and access ways and all divisions of land for which approval is not required under **M.G.L. c. 41, § 81P**. Subdivision shall also include resubdivision and, where appropriate, the process of further subdividing any land area already subdivided. The definition of “subdivision” under the Massachusetts Subdivision Control Law, **M.G.L. c. 41, §§ 81K-81GG**, shall be referred to as guidance as well.

Subdivision Regulations – collectively, the Base Subdivision Regulations and the MUDD Subdivision Regulations.

Telecommunications Transmission/Receiving Towers or Antennae - Any structure or device that is designed, used, or intended to be used to transmit or receive electromagnetic signals, and which is more than 24-inches in height or width.

Theater – See **Article 5**.

Townhouse – See **Article 5**.

Townhouse-1 - See **Article 6**.

Townhouse-2 - See **Article 6**.

Town Boards – The boards of selectmen of the Towns of Abington and Rockland, the Mayor of the Town of Weymouth, the Weymouth Town Council, and the planning boards and conservation commissions of each of the Towns.

Towns – See **Article 1**.

Tract - A defined area or piece of land, the term itself not necessarily imparting any precise dimension.

Transportation Uses, generally – See **Article 5**.

Transportation Terminal/Services – See **Article 5**.

Use– See **Article 5**.

Use, Accessory - See **Article 5**.

Use, Nonconforming - See **Article 5**.

Use, Principal - See **Article 5**.

Use, Secondary – See **Article 5**.

Utility - Any entity which provides persons within a development with electricity, gas, heat, steam, communication, transportation, water, sewage collection and/or treatment, or other service. The term utility also refers to the actual service provided, and to the physical infrastructure necessary to deliver the said service.

Variance - A departure from the strict terms or expressed provisions of these By-Laws as may be granted by the Authority, where such departure will not be contrary to the public interest and shall be in accordance with the requirements and authorized circumstances for granting variances as set forth in **M.G.L. c. 40A**. See **Article 15**.

Vehicular Service Establishment - See **Article 5**.

Veterinarian Office or Clinic - See **Article 5**.

Warehouse/Distribution - See **Article 7A**.

Water Resources Protection District or WRP District - See **Article 9**.

WRP District Map - See **Article 9**.

Way - Any public or private street, including any public or private “way” as defined and established under the Massachusetts Subdivision Control Law **M.G.L. c. 41, §§ 81K - 81GG**, except as modified by **Article 17** of these By-Laws.

Wireless Communication, Accessory Equipment - See **Article 10**.

Wireless Communication, Building Mounted Equipment - See **Article 10**.

Wireless Communication, Freestanding Structure - See **Article 10**.

Wireless Communication, Indoor Equipment - See **Article 10**.

Workforce Housing Unit – dwelling unit available at a cost of no more than thirty percent (30%) of the gross annual income of households between eighty percent (80%) and one hundred twenty percent (120%) of the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area Median Income, adjusted for household size, as reported by HUD.

Zoning District Map - See **Article 4**.

Zoning Enforcement Officer - See **Article 2**.

Zoning Compliance Certificate - the certificate issued by the Zoning Enforcement Officer to the applicable building department confirming the proposed erection, alteration or relocation of the building or structure, and the use and occupancy thereof, conforms to these By-Laws and the Regulations.

4. ESTABLISHMENT OF ZONING DISTRICTS

4.1 Purpose

This **Article 4** establishes the zoning districts that cumulatively encompass the entire geographic area of NAS South Weymouth. The boundaries, permitted uses, and dimensional standards established for these districts are intended to reflect and provide for implementation of the general land use concepts set forth in the Enabling Legislation for redevelopment of the NAS South Weymouth.

4.2 Division of NAS South Weymouth into Zoning Districts

NAS South Weymouth is hereby divided into zoning districts as follows:

- A. Village Center District (VCD)
- B. Mixed-Use Village District (MUVD)
- C. Shea Village Commercial District (SVCD)
- D. Recreation District (RecD)
- E. [Reserved]
- F. Mixed Use Overlay District, located entirely in the Town of Weymouth, which is comprised of the (a) Neighborhood Subdistrict and (b) Town Center Subdistrict.
- G. R-1 Low Density District (R-1), located entirely in the Town of Weymouth
- H. Weymouth Ground Mounted Solar PV Overlay District, located entirely in the Town of Weymouth
- I. Mixed Use Development District (MUDD)

J. Open Space District (OSD)

4.3 Zoning District Map

The boundaries of the districts named in the preceding section are established as shown and delineated on the NAS South Weymouth Zoning District Map (the “Zoning District Map”) that is incorporated as part of these By-Laws. A reduced copy of the Zoning District Map in effect as of the Effective Date is attached as **Exhibit A** to these By-Laws. The official Zoning District Map, including all amendments thereto, shall be maintained on file with the following parties: the clerks and the Planning Boards of each of the Towns; and the Authority.

4.4 Interpretation of Boundaries

Where a district boundary is indicated as approximately following or parallel to the center line of a street line or a street, highway, railroad right-of-way or watercourse, such district boundary shall be construed as following, or as being parallel to, such center line. Where a district boundary is indicated as approximately following a lot line, such line shall be construed to be said boundary. Whenever any uncertainty exists as to the exact location of a district boundary line, the location of such line shall be determined by the Zoning Enforcement Officer by the use of the scale shown on the Zoning District Map.

4.5 Descriptions and Purposes of Districts

A. Village Center District (VCD)

The Village Center District (VCD) is established in accordance with the boundaries as shown on the Zoning District Map.

The VCD is located centrally within NAS South Weymouth and the District will be characterized by New England traditional neighborhood design. This District will be mixed-use, containing the highest density of housing allowed in these By-Laws, as well as offices, commercial and retail uses such as convenience stores, restaurants and shops. Larger retail and commercial structures will be consistent with the neighborhood design. Housing types in this District will be mixed, including Townhouse-1, Townhouse-2, Apartments, Apartments with Commercial, and Apartments-Podium (see **Article 6** for an explanation of housing types and Building Forms). Parking will be located at the rear of structures, accessible via alleyways, on-street, and in dedicated off-street lots.

B. Mixed-Use Village District (MUVD)

The Mixed-Use Village District (MUVD) is established in accordance with the boundaries as shown on the Zoning District Map.

The MUVD includes two areas located throughout NAS South Weymouth. The primary purpose of this district is to provide a mix of residential housing types with some neighborhood commercial uses, including retail and restaurants. The density

of residential uses permitted in this District will be less than the density permitted in the VCD and there will be fewer commercial uses. The housing types in the MUVD will be mixed, including Single Family Detached (<5,000 square feet), Townhouse-1, Townhouse-2, Apartments, Apartments with Commercial, and Apartments-Podium (see **Article 6** for an explanation of housing types and Building Forms). Parking will be located at the rear of structures, accessible via alleyways, on-street, and in dedicated off-street lots.

C. Shea Village Commercial District (SVCD)

The Shea Village Commercial District (SVCD) is established in accordance with the boundaries as shown on the Zoning District Map.

Located in the northern portion of NAS South Weymouth and along Shea Boulevard, the SVCD is the commercial center of NAS South Weymouth. Allowed uses include Light Industry, Biopharmaceutical Manufacturing, Research and Development, Office and other commercial uses (see **Article 6** for an explanation of housing types and Building Forms). Parking will be located on-street and in dedicated off-street lots.

D. Recreation District (RecD)

The Recreation District (RecD) is established in accordance with the boundaries as shown on the Zoning District Map.

Located northeast of the VCD and south of the SVCD along Shea Boulevard, the RecD is established to foster passive and active indoor and outdoor recreation uses on NAS South Weymouth. Additionally, the RecD will house some institutional uses already existing and required within NAS South Weymouth.

E. [Reserved]

F. Mixed Use Overlay District (MUOD)

The Mixed Use Overlay District (MUOD) is located entirely in the Town of Weymouth and is established in accordance with the boundaries as shown on the Zoning District Map. The MUOD is further described in Section 7 of these By-Laws.

G. R-1 Low Density District (R-1)

The R-1 Low Density District (R-1) is located entirely in the Town of Weymouth and is established in accordance with the boundaries as shown on the Zoning District Map. The R-1 Low Density District is further described in **Article 8** of these By-Laws.

H. Weymouth Ground Mounted Solar PV Overlay District (WGMSPOD)

The Weymouth Ground Mounted Solar PV Overlay District (WGMSPOD) is located entirely in the Town of Weymouth and is established in accordance with the boundaries as shown on the Zoning District Map. The WGMSPOD is further described in **Section 9A** of these By-Laws.”

I. Mixed Use Development District (MUDD)

The Mixed Use Development District (MUDD), as set forth in Article 7A of these By-Laws, is established in accordance with the boundaries as shown on the Zoning District Map.

The primary purposes of the MUDD are to encourage the development of a mix of uses in an area that provides proximate access to major highways and public transportation. The MUDD provisions are intended to promote creative, efficient, and appropriate solutions for the development of complex sites, and facilitate the development of a mix of complementary land uses, including both residential and nonresidential development, to create a well-planned and economically viable master planned community.

The land in the MUDD may be used as-of-right (subject to issuance of a Conformance Determination or PDR Approval, as applicable), unless the use requires a Special Permit under Article 9 or Article 7A.4.2 or is expressly prohibited under Article 7A.4.3.

J. Open Space District (OSD)

The Open Space District (OSD) is established in accordance with the boundaries as shown on the Zoning District Map.

The primary purposes of the OSD are to provide Open Space along the perimeter of the NAS South Weymouth boundary, encourage the preservation of large, contiguous wetland areas and open space for park land, active and passive recreation, reservations, community gardens, rivers and streams, and similar uses. It is intended that the OSD will enhance the quality of life for residents and visitors to the area. The OSD may also encompass wetland resource areas, open space, and recreational areas where there are important public health, safety, and welfare interests in watershed and flood potential protection, preservation of wildlife habitat, and conservation of recreational land for resident use and enjoyment.

The land in the OSD may be used for any use permitted as-of-right or by Special Permit as set forth on the Table of Permitted Uses attached hereto as Exhibit C. Additionally, the Open Space in the OSD may be utilized for, streets (including streets providing access to uses not allowed within the OSD), utilities and stormwater management (including utilities and drainage/stormwater management infrastructure serving, in whole or in part, uses inside or outside of the OSD), solar installations and other uses similar to the foregoing.

5. REGULATION OF USES

5.1 Purpose and Applicability

The purpose of this Article is to establish standards for the regulation of land uses within NAS South Weymouth, and to permit the development or establishment of uses in a manner that reflects the specific purposes of the various zoning districts established under **Article 4** of these By-Laws. No land or structure shall be used except in compliance with the provisions of this **Article 5** and as set forth in the Table of Permitted Uses attached to these By-Laws, or as permitted by **Article 14** (Nonconforming Uses and Structures).

5.2 Definition of Use

A. General

A “use” is the purpose for which a lot, structure, or building is arranged, designed or intended, or for which a lot, structure, or building may be occupied or maintained. The “use” of a structure, building, or lot shall be understood to include the meanings of the words “used,” “occupied,” “designed,” “arranged,” “intended,” or “offered” to be used or occupied. The words “building,” “structure,” “lot,” “parcel,” “land,” or “premises” shall be construed as though followed by the words “or any portion thereof.”

B. Principal Use

The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under these By-Laws.

C. Accessory Use

A use subordinate to the principal use on the same lot or in the same structure and serving a purpose customarily incidental to and found in connection with the principal use, and which does not in effect constitute conversion of the principal use of the lot, site or structure to a use not permitted. Accessory uses are permitted or prohibited in zoning districts to the same extent as if such uses were principal uses.

Use of streets and driveways shall be permitted for access to (a) a permitted use, (b) a use for which a special permit has been issued by the Special Permit Granting Authority, or (c) a use for which a Development Plan has been approved by the Special Permit Granting Authority. Additionally, use of streets and driveways shall be permitted for access for a use forbidden in the zoning district in which the street or driveway is located but used for access to a zoning district in which the use (a) is permitted, (b) for which a special permit has been issued by the Special Permit Granting Authority, or (c) for which a Development Plan has been approved by the Special Permit Granting Authority.

D. Secondary Use

A use located on the same lot as a principal use but which is of lesser scale, impact, or visibility than the principal use. A secondary use is not an accessory use as it is largely independent from the principal use. Secondary uses include ground floor commercial in principally residential structures. Secondary uses are permitted or prohibited in zoning districts to the same extent as if such uses were principal uses.

5.3 Nonconforming Use

A nonconforming use is a use of a structure, building, or lot that was lawfully existing at the time of adoption of these By-Laws, but which does not conform to a use regulation prescribed in these By-Laws, including any subsequent amendments hereto. Special provisions applicable to nonconforming uses appear in **Article 14** of these By-Laws.

5.4 Change in Use

A change in use is a change in the type or class of use of a structure, building, or lot, whether temporary or permanent, such that the resulting use would be defined as and fall into a line item type or class of use in the Table of Permitted Uses different from the line item type or class of use of the previous or existing use; or a substantial extension of an existing, lawfully nonconforming use (see provisions applicable to nonconforming uses in **Article 14**).

5.5 Permitting of Uses/Structures

A. Use Permitted As-of-Right

Defined as a use permitted in a zoning district in accordance with the provisions of this By-Law, and which does not require the granting of a special permit by the Special Permit Granting Authority or approval of a Development Plan by the Special Permit Granting Authority. A use contained in a development that is subject to Development Plan Review is a use permitted as-of-right upon approval by the Special Permit Granting Authority of the Development Plan in accordance with the provisions of **Article 13** and all other applicable provisions of these By-Laws. A use permitted as-of-right also requires site plan review in accordance with the provisions of **Article 12**.

B. Use Subject to Development Plan Review

Defined as a use that shall be permitted in a zoning district only upon the approval by the Special Permit Granting Authority of a Development Plan in accordance with the provisions of Article 13 and all other applicable provisions of these By-Laws. Upon approval of a Development Plan, the uses shown thereon shall be permitted as-of-right in accordance with the provisions of **Article 13**, but shall also require site plan review in accordance with the provisions of **Article 12**.

C. Use Subject to Granting of a Special Permit

Defined as a use that shall be permitted in a zoning district only upon the granting of a special permit by the Special Permit Granting Authority, in accordance with the provisions of Article 11 and all other applicable provisions of these By-Laws. A use subject to the granting of a special permit still requires site plan review in accordance with the provisions of **Article 12**, which may be approved simultaneously as provided in **Section 11.3**.

D. Prohibited Use

A use that is not permitted in a zoning district. The establishment or development of such a use shall be strictly prohibited. If a proposed use is not listed on the Table of Permitted Uses, it shall be prohibited unless the Special Permit Granting Authority makes a finding that such proposed use is sufficiently similar to a use that is expressly permitted (by right or by special permit) and that such proposed use should be regulated in accordance with the requirements applicable to such similar use.

Except as may be allowed pursuant to Article 7A, the following uses (1)-(5) are expressly prohibited in the Towns of Abington, Rockland and Weymouth:

(1) Motor Vehicle-Related Services

A structure or use that is available to the public for the repair, rental, lubrication, washing, servicing, adjusting or equipping of motor vehicles.

(2) Motor Vehicle Sales

The sale (whether retail or wholesale) of any type of motor vehicle including snowmobiles, motorcycles, etc.

(3) Motor Vehicle Fuel Station

A structure or facility that is available to the public for the purpose(s) of supplying fuel and oil to motor vehicles.

(4) Vehicular Service Establishment

A commercial or business establishment where patrons are provided goods and/or services while in or near their motor vehicle. "VSE" includes eating and drinking establishments where food is purchased on the premises from a drive-through or drive-up window, but is not regularly consumed within the building. The term also includes establishments where patrons receive goods and/or services from drive-through or drive-up establishments, including, but not limited to, dry-cleaners, drive-through automotive facilities, car washes, and substantially similar establishments. Drive-through banks and automatic teller machines shall be treated as General

Services, and not “VSE,” so long as banking services are also provided within the building.

(5) Adult Entertainment

The use of any building, structure or lot for an adult bookstore, an adult motion picture theater, an adult paraphernalia store or an establishment which displays live nudity for its patrons, on such terms as are defined in **M.G.L. c.40A, §9A**, is specifically prohibited in that portion of each of the Towns located in NAS South Weymouth. Such uses are currently permitted in each of the Towns in accordance with the applicable regulations in such Towns.

5.6 Application of Regulations to Lots in Two or More Zoning Districts

When a lot straddles a zoning district line, with a portion of the lot located in one district and a portion located in another district, the applicable use permitting requirements set forth in the Table of Permitted Uses and other sections of this Article shall be applied to the respective portion of the lot located in each district. The portion of the lot in a more restrictive zoning district may supply area for accessory uses, parking, and passive spaces (setbacks, landscaped buffers, open space, etc.) associated with uses permitted in a less restrictive zoning district, if such use of the land in the more restrictive district is not prohibited as a use in the more restrictive district under any provision of this Article.

5.7 Definitions of Uses

The types of uses listed in **Exhibit C, Table of Permitted Uses** and elsewhere in these By-Laws shall have the meanings set forth below.

A. Residential Uses

Assisted Living Or Congregate Living Residence Facility - An assisted living residence facility, as defined by **M.G.L. Chapter 19D**.

Group Residence - A residential use by four (4) or more unrelated individuals occupying a dwelling unit and living as a single housekeeping unit, if said occupants are handicapped persons as defined in **Title VIII of the Civil Rights Act of 1968**, as amended by the Fair Housing Amendments Act of 1988, and in the Americans with Disabilities Act. Unless superseded by an applicable state or federal statute, the term “handicap” shall be defined with respect to a person, as: (1) a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

Home Occupation - The use of not more than twenty percent (20%) of the gross floor area of the primary residential structure (or combination Primary and

Accessory Structure) for the purposes of and conforming to the performance standards set forth below:

- The use shall be associated with the profession, employment or vocation of a resident of the primary residential structure.
- The use shall require only customary home equipment.
- The use, including storage of materials or products, shall be carried on strictly within an enclosed building.
- The use shall not require exterior structural alterations to the primary residential structure or accessory residential structure that are not customary with residential buildings.
- The use shall not produce offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effects.
- The use shall be of a type or character expected to have no more than one (1) visitor, who is not a pupil, at any given time.
- The use shall employ no more than one non-resident employee.

A home occupation shall include, but is not limited to: the studio of an artist, musician, photographer or writer; the office of a professional; the teaching of not more than four (4) pupils simultaneously; in-home day care; work of a domestic nature, such as dressmaking, millinery, or preparing food for sale; and the office of a sales representative (including insurance offices), computer software developer, typist, or word processor where clients generally do not visit the premises to transact business.

Notwithstanding the above definition, the following uses shall not be considered a home occupation: auto service or repair, large appliance repair; contractor's shop or storage; barber shops; beauty parlors; real estate offices; commercial stables or kennels; or an office of a physician or dentist.

Independent Living Residence Facility - A facility that provides residential accommodations for senior adults who are in good health and do not require medical or skilled nursing care. Residents shall have individual dwelling units with living, sleeping, bathroom, and kitchen facilities. The Independent Living Residence Facility may include a community center or community building(s), or similar common areas such as a common dining facility, and space for the provision of social, psychological, and educational programs. The facility may provide home health care or other community-based services on an individual basis and offer meals, linen, and housekeeping services. The Independent Living Residence

Facility may provide residence for a superintendent or for maintenance staff, but there shall be no on-site residence of medical or other staff.

Live/Work – A dwelling unit where the residential and work quarters share the same space. Live/Work space may contain a limited retail component for the purposes of the occupant selling their work product to the general public. Live/work space may also include gallery space for the purposes of displaying work product.

Long-Term Care Facility- A building or group of buildings which is licensed or approved by the Massachusetts Department of Public Health to provide 24-hour, intensive, skilled and supportive nursing care, convalescent, or chronic care under medical supervision to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. A Long-Term Care Facility also typically provides personal care services in a supervised environment, and may contain common areas for therapy, recreation and dining. Further, the facilities may also include on-premise medical offices and treatment facilities related to the care of the residents.

Multifamily - A building containing three or more dwelling units. Multifamily development includes the Building Forms: Apartments, Apartments with Commercial and Apartments - Podium.

Senior Residence Community - A unified, self-contained, residential community, designed and constructed expressly for use and residency by persons who have achieved a minimum age requirement for residency of fifty five (55) years or older, in accordance with **M.G.L. Chapter 151B, Article 4, Subsection 6**. No more than one of the persons occupying any unit may be under fifty-five (55) years of age, exclusive of nurses or other persons licensed to provide health care services to the elderly occupants of said unit. Such housing shall also comply with the provisions of **M.G.L. Chapter 151B and 42 USC §3601 et. seq.**

Single Family (or “single family house”) - A building which (1) contains exactly one dwelling unit; (2) is not attached to any other building or dwelling unit; and (3) occupies its own individual lot on which there is no other dwelling unit or principal use.

Townhouse - A structure containing two or more attached dwelling units where (1) the units form a continuous façade; (2) each unit has its own front and rear access; (3) no unit is located over any other unit; (4) the units are separated from each other by fire resistant walls; and (5) the units may all be situated on one lot or on individual lots.

B. Office/Commercial Uses

Anchor Retail - A commercial operation, greater than 75,000 square feet of gross floor area, which involves the display, sale, and/or lease/rental to the general public

of physical goods available for immediate purchase and removal from the premises by the purchaser. Anchor Retail does not involve the provision of general services, except where incidental to the sale of physical goods.

Bed and Breakfast - A building which contains one owner occupied dwelling unit and a short term commercial lodging facility operated by the owner occupant. The facility may contain up to eight (8) private guest rooms with individual or shared bathrooms and no cooking facilities. Breakfast is commonly included and served in a kitchen/dining room, available to overnight guests only.

Commercial Use - A use, activity, or enterprise which is carried on as a business or for profit by the operator (as opposed to governmental, nonprofit, volunteer, or household activities). For the purposes of this By-Law, commercial shall include Retail, Office, Restaurant and General Services as defined in this **Section 5.7**; “commercial” shall only be used when referencing all of these uses.

Conference Center - A facility used for seminars, meetings, and professional conferences. The facility may include accommodations for conference attendees such as restaurants, bars, cafes, sleeping areas, recreation, and athletic facilities.

Day Care Center - Any facility operated for the purpose of providing care, protection and guidance to 5 or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals including the elderly, and other similar uses but excludes public and private education facilities or any facility offering care to individuals for a full 24-hour period.

Funeral Home - A facility used for activities associated with the preparation of the deceased for burial or cremation. The use typically includes on-premises facilities for embalming and may include facilities for cremation (provided such activities are conducted in accordance with all governing state and local health and environmental regulations), as well as rooms for assembly for wakes or other related services.

General Services - A commercial operation for providing direct personal or business services to customers including a(n) bank, insurance agency, real estate agency, hair salon, dry cleaner or laundry, print shop, repair shop for personal, office, and household equipment (including watches, computers, radios, television sets, stereos, bicycles, etc. and excluding engines and heavy equipment) or similar services. General Services does not include retail sales except for incidental items related to the service, as an accessory use.

Health/Fitness Club - A building or portion of a building designed and equipped for the conduct of sports, exercise, muscle building, and physical fitness, which may include as accessory uses the consumption of food and drink, day care, and

education and retail services directed to patrons of the facility. This use may include indoor and outdoor uses as well as swimming pools.

Hotel - A building(s) with rooms provided for lodging for paying guests which may include a lobby, reception area, conference rooms, recreational amenities, health/fitness clubs, kitchen and restaurant(s). The rooms shall be primarily designed for and occupied by transient persons, whose principal residences are elsewhere, renting them on a daily basis and usually staying on the premises less than seven (7) days.

Hotel, Boutique - A building with no more than thirty (30) rooms provided for lodging for paying guests, which may include a reception area, kitchen, and a restaurant limited to forty (40) seats. The rooms shall be primarily designed for and occupied by transient persons, whose principal residences are elsewhere, renting them on a daily basis and usually staying on the premises less than seven (7) days.

Medical Laboratory - A facility performing tests, analyses, or procedures of a medical, diagnostic, surgical, or restorative health-related nature as an ongoing service to the health care industry, and which may include generation of small quantities of low-level medical, biological, chemical or radioactive wastes to be disposed off-site in accordance with all applicable federal and state regulations.

Movie/Play House - A specialized theater of no more than two screens and/or a total of no more than 350 seats for showing movies, motion pictures or live performances. Such use may include accessory retail and restaurant uses.

Office – A building or portion of a building in which work of a predominantly administrative, professional, or clerical nature is performed. An office is generally furnished with desks, tables, files, computers, and office and communications equipment. There is no walk-in retail consumer sales nor services nor production/manufacture of any physical products for sale. “Office” excludes Office, Medical; and General Services (see those definitions).

Office, Medical – A facility providing on-site mental and/or physical health care on an out-patient basis. Practitioners may include physicians, surgeons, nurses, dentists, chiropractors, psychologists, mental health counselors, and other such similar health care professionals.

Restaurant - Any commercial operation principally engaged in serving food, drink, or refreshments, whether prepared on or off site, to patrons eating on the premises. Food or beverage may be prepared for take-out. This use shall include facilities of all sizes and those serving alcohol such as cafes and bars.

Retail Sales - A commercial operation which involves the display, sale, and/or lease/rental to the general public of physical goods available for purchase. Retail Sales does not involve the provision of general services, except where incidental to

the sale of physical goods. (see Anchor Retail for retail uses over 75,000 square feet of gross floor area.)

Theater - A specialized theater having more than two screens and/or more than 350 seats for showing movies, motion pictures or live performances. Such use may include accessory retail and restaurant uses.

Veterinarian Office or Clinic - A facility providing on-site physical examination and medical treatment of animals, primarily as outpatients, by a licensed veterinarian, including accessory kennels for temporary boarding of pets.

C. Industrial Uses

Biopharmaceutical Manufacturing - A laboratory or similar facility that has as its primary purpose the manufacture of products related to the fields of medicine, pharmacology and biology, which may involve radioactive materials, high intensity electromagnetic radiation, recombinant DNA, controlled substances, or involve chemical or biological processes that produce medical, biological, chemical or radioactive wastes that shall be disposed off-site in accordance with all applicable federal and state regulations. Research and development uses accessory to the Biopharmaceutical Manufacturing shall be allowed. Such use may include accessory commercial uses.

Light Industry - A facility that works predominantly with previously prepared, manufactured, or processed materials or parts. Light industry generally includes assembly, fabrication, accessory research and development, office uses, most high technology production, and packaging. It does not include operations which result in significant noise, glare, odor, dust, smoke, or vibration which could be detectable beyond the building. Light Industry causes the fewest and least severe adverse impacts in the form of nuisances to neighbors and pollution of the environment. Such adverse impacts would include: air and water pollution, hazardous waste, noise, glare, vibration, electromagnetic radiation, radioactivity, smoke, gas, odor, dust, dirt, excessive heat or cold, fire/explosive hazard, condition conducive to propagation of rodents or insects, or traffic generation. Such use may include accessory commercial uses.

Research and Development - A laboratory or similar facility that has as its primary purpose research, investigation, experimentation, and testing activities related to the fields of electronics, engineering, geology, physics, or other scientific area, but which does not involve research with radioactive materials, high intensity electromagnetic radiation, recombinant DNA, or controlled substances, or ordinarily involve processes that produce medical, biological, chemical or radioactive wastes. Such use may include accessory commercial uses.

Warehouse/Distribution, Accessory - A portion of a structure used for a distribution warehouse; or cold storage. This use shall consume no more than 10% of the gross floor area of said principal use.

D. Institutional Uses

Educational Use - The use of land or buildings primarily for the training and teaching of children, youths or adults, including preschools, elementary and secondary schools, colleges, vocational and/or technical schools.

Government Office - A facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public, including, but not limited to, a library.

Homeless Shelter - A facility providing temporary or transitional residential care, room, board, supervision, information and/or referrals to homeless persons voluntarily seeking such services. Homeless Shelter includes the provision of services pursuant to the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Pub. L. 103-421).

Religious Use - The use of land or buildings primarily for divine worship together with reasonably related accessory uses.

E. Transportation Uses

Structured Parking - A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking and underground or under-building parking areas. Structured parking may be totally below grade or partially or totally above grade and may be privately or publicly owned.

Transportation Terminal/Services - A facility designed, used, or intended to be used as a passenger station for a bus, railroad line or multimodal service. The maintenance of transportation vehicles may be permitted as an accessory use.

F. Communications and Utility Uses

Station, Substation, Automatic Telephone Exchange of a Utility Company – A station, substation, or automatic telephone exchange of a company providing utility service, but excluding telecommunications transmission/receiving towers or antennae and excluding those activities that meet the definition of “Essential Service” later in this section.

Wireless Communication, Freestanding Structure – (See Article 10)

Wireless Communication, Building Mounted Equipment - (See Article 10)

Wireless Communication, Indoor Equipment - (See Article 10)

Wireless Communication, Accessory Equipment - (See Article 10)

G. Public Infrastructure Uses

Essential Service of a Public Entity or Public/Private Utility Provider – The erection, construction, alteration or maintenance by public entities, public or private utilities, or municipal departments or commissions of underground or overhead electrical, gas, steam or water transmission or distribution systems; collection, communication, supply or disposal systems; poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; and including essential physical construction, equipment, and accessories in connection therewith; including any buildings associated therewith.

Municipal Public Service Facility - A police station, fire station, or other public facility not specifically classified under another definition of this Article (such as a type of Recreational Use), that is owned by the Authority or an incorporated municipality of the Commonwealth of Massachusetts.

H. Open Space/Recreational Uses

Club House - Building and facilities over 5,000 square feet of gross floor area, but not more than 20,000 square feet of gross floor area, associated with a golf course in which social gatherings, restaurant, day care, and education and retail services may be housed, provided they are accessory to a golf course.

Golf Course - A landscaped area and Accessory Structures under 5,000 sq. ft. gross floor area in the aggregate, (other than a Club House as defined above) that are designed for the active recreational endeavor of the game of golf. A golf course must include a minimum of nine (9) golf holes including fairways, greens, and landscaping. It may include a Club House with services to golfers including the sale and repair of golf equipment, and provision of food and beverages (see Club House), but does not include a driving range except as an accessory use nor miniature golf facilities. Buildings and structures associated with the golf course that are over 5,000 sq. ft. of gross floor area in the aggregate shall be deemed a separate use. (See Club House)

Indoor Commercial Recreation, General - The use of a structure for recreational, social or amusement purposes, which may include as accessory uses the consumption of food and drink, day care, and education and retail services directed to patrons of the facility, including all connected rooms or space with a common means of ingress and egress; provided, however, that the structure contains not more than 40,000 square feet of gross floor area.

Indoor Commercial Recreation, Concentrated - The use of a structure for recreational, social or amusement purposes, which may include as accessory uses the consumption of food and drink, day care, and education and retail services directed to patrons of the facility, including all connected rooms or space with a common means of ingress and egress; provided, however, that the structure contains more than 40,000 square feet of gross floor area.

Outdoor Commercial Recreation, Light - A commercial recreation land use primarily conducted outside of a building, characterized by minimal impact on traffic, the natural environment, and the surrounding neighborhood. Associated parking shall be limited to no more than twenty-five (25) spaces. Such uses may include botanical gardens, hiking trails, historic sites, picnic areas, and cross-country ski areas. Accessory structures shall be permitted, provided the structure does not exceed 20,000 square feet of gross floor area.

Outdoor Commercial Recreation, General - A commercial recreation land use primarily conducted outside of a building, characterized by potentially moderate impacts on traffic, the natural environment, and the surrounding neighborhood. Associated parking shall be limited to no more than fifty (50) spaces. Such uses may include athletic fields, paint ball course, miniature golf, pitch and put, skateboard park, tennis club, basketball courts, batting cages, and driving ranges. Accessory structures shall be permitted, provided the structure does not exceed 40,000 square feet of gross floor area.

Public Recreation - Any recreational facility, not including golf courses, owned and operated by a Town, the Authority, any non-profit, the Commonwealth of Massachusetts, or the Federal government, including active recreational facilities (such as soccer fields, tennis courts, community swimming pools and the like) and passive recreational facilities (such as trails, canoe launches and the like), including accessory structures.

5.8 Table of Permitted Uses

The Table of Permitted Uses, attached as **Exhibit C** to these By-Laws, sets forth the permitting requirements and Building Form for uses within NAS South Weymouth, and all uses shall be permitted in accordance with its requirements, in accordance with the “Notes to Table of Permitted Uses” following the Table, and in accordance with all other provisions for regulation of use as established in these By-Laws. **Article 6** provides definitions of allowed Building Forms as indicated in the Legend on **Exhibit C**.

If a use is listed in the Table of Permitted Uses with a ‘Y’, the use may still require Development Plan Review under the provisions of **Article 13**. Upon approval of the Development Plan, the uses shown on the Development Plan become permitted as-of-right (subject to site plan approval under **Article 12**). If the use requires Development Plan Review under **Article 13**, but a Development Plan has not been approved, the use shall require a special permit, as provided in **Article 11**.

If a use listed in **Article 5** of these By-Laws has a corresponding Building Form listed in **Exhibit C**, Table of Permitted Uses, or in Section 6.5 Building Forms, the use is required to meet the standards of that Building Form and may not use the **Exhibit D**, Table of Dimensional Standards; provided, however, that no use in the Mixed Use Overlay District, Mixed Use Development District, Open Space District, the R-1 Low Density District or the Weymouth Ground Mounted Solar PV Overlay District shall be required to meet the standards of a Building Form, and all uses in the Mixed Use Overlay District, Mixed Use Development District, Open Space District, R-1 Low Density District and Weymouth Ground Mounted Solar PV Overlay District shall use the **Exhibit D**, Table of Dimensional Standards.

Although a use may be permitted in more than one Building Form, **Section 6.5** shall dictate what Building Form is permitted in each zoning district; provided, however, that nothing in **Section 6.5** shall apply to uses in the Mixed Use Overlay District, the Mixed Use Development District, the Open Space District, the R-1 Low Density District or the Weymouth Ground Mounted Solar PV Overlay District.

6. DIMENSIONAL STANDARDS AND FORMS

6.1 Purpose

The purpose of this **Article 6** is to establish Building Forms and dimensional standards for development in certain zoning districts within NAS South Weymouth to regulate the size, height, bulk, location, and physical density of developed land and buildings so as to prevent overcrowding of land; to provide open space so as to ensure adequate light and air; to limit the amount of impervious coverage so as to prevent flooding and flood damage; to conserve the value of land and buildings so as to prevent the blight and pollution of the environment; and to promote orderly development so as to enhance both the natural and man-made attributes of the environment.

6.2 Applicability

The dimensional standards provisions of this Article shall apply to the development of all land, establishment of all uses, and construction of all structures within NAS South Weymouth, either as set forth specifically for a given Building Form (see **Section 6.5**) or, in the absence of a Building Form, as set forth for a given zoning district in the Table of Dimensional Standards (see **Exhibit D**) provided, however, that no Building Forms shall apply to uses in the Mixed Use Overlay District, Mixed Use Development District, Open Space District, the R-1 Low Density District or Weymouth Ground Mounted Solar PV Overlay District. The construction, enlargement, or alteration of any structure or building, and the development of any lot shall be in compliance with the dimensional standards established herein except as may otherwise be specifically provided for elsewhere in these By-Laws. Development within NAS South Weymouth shall be subject to the standards herein and the additional standards set forth in the Regulations.

6.3 Standards for Compliance

A. Lots

All lots created after the effective date of adoption of these By-Laws shall comply with the standards established herein.

B. Uses, Structures, and Buildings on a Lot

In order to comply with the requirements of this Article, the areas of a lot required for any new or enlarged use, structure, or building shall not include any part of a lot that is required by any other use, structure, or building to comply with the following requirements: lot area, lot coverage, lot frontage, building height, building setbacks, parking or loading.

C. Lots in Two or More Zoning Districts

When a lot straddles a zoning district line, with a portion of the lot located in one district and another portion located in another district, the applicable district dimension standards of this Article shall be applied to the respective portions of the lot located in each such district. The portion of the lot in the more restrictive zoning district may supply land area to satisfy setback, open space, and other dimensional standards requirements for uses located on the portion of the lot in the less restrictive district.

6.4 Establishment of Dimensional Standards and Definition of Terms

Accessory Structure - A building or structure that: (a) is not attached to the principal building or structure on a lot; (b) accommodates a use customarily or reasonably associated with the use of the principal building or structure; (c) is incidental and subordinate to the primary building, structure, or use; and (d) is located on the same lot as the principal building, structure, or use. Examples include out buildings, garages, driveways, parking lots, sheds, signs, fences, and light poles. Accessory Structure differs from Out Building in that it includes structures other than buildings.

Building Footprint – The total area included within the outside lines of the exterior walls of a building.

Building Height - The vertical distance measured from the mean natural grade line adjoining the structure to the topmost roofline of the structure, except for the following building architectural elements normally built above the roof and not devoted to human occupancy which may be excluded from the calculated building height provided that the elements are physically attached to the building, adhere to the Building Form Requirements of Section 6.5 if applicable or, if the use is not required to adhere to the Building Form Requirements, do not exceed in total more than ten (10) percent of the building roof area, and do not extend more than an additional ten (10) feet above the maximum height limit of a structure/building otherwise established for the district in which the building is located (see **Exhibit D**, Table of Dimensional Standards): penthouses housing only mechanical equipment, parapet walls, church spires, belfries, cupolas, domes, monuments, observation towers, flag poles, masts, aerials, skylights, chimneys, smoke stacks, ventilators or permitted building mounted wireless communications equipment.

In **Article 6** and **Exhibit D**, Table of Dimensional Standards, the maximum height shall apply unless specific reference is made to another provision of these By-Laws.

Frontage – The horizontal distance between the intersections of the side lot lines of a lot along the right-of-way of a street or an area designated as Common Open Space by the Special Permit Granting Authority or the Permit Granting Authority where vehicular access to the lot is gained from an alternative location as approved by the Special Permit Granting Authority.

Lot Occupation - Refers to the dimensional characteristics of the lot as defined below:

Lot Area - The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way open to public uses.

Lot Coverage - A measure of intensity of land use that represents the portion of the lot that is impervious. This includes, but is not limited to, all areas covered by buildings, driveways, parking structures roads, sidewalks, and any area of concrete asphalt and other impervious surfaces. For purposes herein, “impervious surface” shall include all roofed building areas, all hard-paved surfaces, and all soils, areas or other surfaces on the lot that have a coefficient of runoff of 0.90 or greater based on the Rational Method of storm drainage system design or 0.95 or greater based on the Soil Conservation Service Method.

Out Building - A building that: (a) may or may not be attached to the principal building or structure on a lot; (b) accommodates a use customarily or reasonably associated with the use of the principal building; (c) is incidental and subordinate to the primary building or use; and (d) is located on the same lot as the principal building or use. Examples include garages, and sheds. Out Buildings shall be prohibited from containing a kitchen for the purposes of supporting a residential use.

Primary Street - Any street upon which the Principal Building on a lot has frontage.

Principal Building - The building in which the principal use of the lot on which the building is located is conducted.

Setback - An area on a lot within which certain types of structures may not be situated. Setbacks are measured perpendicular to lot lines and extend for the full width or depth of the lot, accordingly. Except as otherwise noted in this Article, setback requirements apply to buildings and any roofed structures. (See **Exhibit D**, Table of Dimensional Standards.)

- (a) *Setback, Front* - The setback established from the front property line.
- (b) *Setback, Rear* - The setback established from the rear property line.
- (c) *Setback, Side* - The setback established from the side property lines.
- (d) *Exceptions to Structure/Building Setbacks*. The building/structure setback standards of this Article shall not apply to the following structures:

- Steps up to three (3) feet in height above existing grade;
 - Patios, decks, and the like constructed up to 18 inches in height above existing grade.
 - Railings, associated with steps or patios/decks, up to 42 inches in height.
 - Building elements such as bay windows, oriel windows, balconies, chimneys, flues, fire escapes, cornices, sills, pilasters, lintels, unenclosed porches, or similar architectural features and any handicap-accessibility features may project a maximum of 24 inches into a required front, side, or rear setback area.
 - Signs - Signs may be located in required setback areas to the extent expressly permitted in the Regulations.
- (e) Fences: In side and rear setback areas, fences may be erected up to a maximum height of eight (8) feet above existing grade, or to a greater height if required by or authorized by the Special Permit Granting Authority. Fences are prohibited in front setback areas, except when required for screening purposes by the Regulation. In all cases, chain link, barbed wire, razor wire fencing and other like fences shall be prohibited.
- (f) Swimming pools: Swimming pools shall not be located within a front setback area, but may be located within side or rear yard setback areas provided that pools, including any paved skirt around the pool, shall not be closer than ten (10) feet to a side or rear lot line. The Zoning Enforcement Officer may require erection of a fence around a swimming pool for purposes of safety.
- (g) Mandatory Setbacks: Notwithstanding any other provision to the contrary in these By-Laws (including, without limitation, the Building Forms and the Table of Dimensional Standards in **Exhibit D**), 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 determines is not available as of the Effective Date 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).

6.5 Form Based Codes

This **Section 6.5** shall not apply to the Mixed Use Overlay District, Mixed Use Development District, Open Space District, the R-1 Low Density District or Weymouth Ground Mounted Solar PV Overlay District.

A form-based code is a land development regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of “place.” Form Based Codes focus on the community’s design vision and basic rules specify a range of acceptable building types and locations, and welcome mixed-use development. Simple and clear graphic prescriptions for building height, how a building is placed on site, and building elements (such as location of out buildings, porches, drives, etc.) are used to control development. The primary dimensional requirements for structures within NAS South Weymouth are defined according to a set of Building Forms based on principal building use included in this Section 6.5.

A. Applicability

If a use as listed in **Article 5** of these By-Laws has a corresponding form listed in **Exhibit C**, Table of Permitted Uses, or a Building Form as described in **Exhibit F**, the use is required to meet the standards of that Form and may not use the default Table of Dimensional Standards in **Exhibit D**.

6.6 Table of Dimensional Standards

No Building Forms shall apply to the Mixed Use Overlay District, Mixed Use Development District, Open Space District, the R-1 Low Density District or Weymouth Ground Mounted Solar PV Overlay District. The Table of Dimensional Standards (which is attached to these By-Laws as **Exhibit D**) shall apply to the Mixed Use Overlay District, Mixed Use Development District, Open Space District, the R-1 Low Density District and the Weymouth Ground Mounted Solar PV Overlay District.

In the event a use does not have a corresponding Building Form identified in **Exhibit C**, Table of Permitted Uses, or in **Exhibit F**, the Table of Dimensional Standards will act as the default dimensional requirements. The Table of Dimensional Standards (which is attached to these By-Laws as **Exhibit D**) sets forth the specific dimensional standards underlying each zoning district within NAS South Weymouth for which no Building Form exists for regulating lot area, lot frontage, lot coverage, building height, and building and parking lot setbacks. The definitions for each respective dimensional standard are set forth in this Article; the quantitative standards set forth in **Exhibit D**, Table of Dimensional Standards shall be applied in keeping with the respective definitions.

6.7 Special Provisions

A. Corner Lots

For the purpose of administering the setback standards of this **Article 6**, the Permit Granting Authority shall have the authority to designate one corner lot line as the side lot line and one corner lot line as the front lot line.

7. MIXED USE OVERLAY DISTRICT

7.1 Purpose of District

The purposes of the Mixed Use Overlay District (MUOD) are to balance conservation and development goals and protect and enhance the character of natural and cultural resources while promoting an economical use of the land with resulting economic benefit to NAS South Weymouth, and to ensure planned development in accordance with community goals and design guidelines. The Mixed Use Overlay District is intended to facilitate the long-term economic growth of NAS South Weymouth by promoting and coordinating high quality commercial and residential development that preserves the pedestrian scale and promotes a healthy economy. Toward these ends, the Mixed Use Overlay District permits the clustering of residential and commercial uses on large tracts of land which have open space as an integral characteristic, and ensures quality site planning designed to accommodate a site's physical characteristics including topography, vegetation, water bodies, wetlands, open spaces, historic resources and major scenic views.

7.2 Scope of Authority

In the Mixed Use Overlay District, all requirements of the Mixed Use Overlay District shall supersede all requirements of the underlying districts. In the event that a proponent wishes to develop in the Mixed Use Overlay District, the provisions of the Mixed Use Overlay District shall apply and any provision of these By-Laws that applies in the underlying districts shall not apply.

7.3 Establishment of Sub-Districts

The Mixed Use Overlay District shall contain the following subdistricts: Neighborhood Subdistrict and Town Center Subdistrict. Each subdistrict is located entirely in the Town of Weymouth and is shown on the Zoning District Map.

7.4 Non Applicability of other Provisions of these By-Laws

Neither Building Forms nor the corresponding dimensional, parking and/or loading requirements for such Building Forms shall apply in the Mixed Use Overlay District. Uses in the Mixed Use Overlay District shall use **Exhibit D**, Table of Dimensional Standards. Parking and loading requirements for the Mixed Use Overlay District are set forth below in **Section 7.7**.

7.5 Multiple Buildings and Uses

In the Mixed Use Overlay District, more than one building and/or use may be located on a lot as a matter of right, provided that each building and/or use(s) are in compliance with the requirements of these By-Laws.

7.6 Uses

This **Section 7.6** and the Table of Permitted Uses, attached as **Exhibit C** to these By-Laws, sets forth the permitting requirements for uses within each Subdistrict of the Mixed Use Overlay District, and all uses set forth in such Table of Permitted Uses shall be permitted in accordance with its requirements, in accordance with the “Notes to Table of Permitted Uses” following the Table, and in accordance with all other provisions for regulation of use as established in these By-Laws.

In addition to the uses set forth in the Table of Permitted Uses, the following additional uses shall be permitted by right in the Mixed Use Overlay District:

Community Center – A facility for a social or educational, or recreational purpose, intended primarily for the occupants of a particular project, in which food and beverages may be served and live entertainment may be provided, and which may include performance and assembly space and indoor and outdoor recreational facilities.

Cultural Uses – An art gallery; art use; museum; public art display space; arts studio; production studio; or event ticket sales space.

Medical Center – A facility used for medical office, medical laboratory and/or out-patient surgery.

Movie and Entertainment Studio – A single building or multi-building grouping for the commercial production of movies, videos and other media and/or educational uses relating to cinema, art, entertainment or other similar cultural endeavors, including research.

Movie and Entertainment Studio Campus – A multi-building, multi-use area that may include a mix of uses that are customarily associated with mixed use, low scale developments and/or open spaces; which is designed and operated to support and serve the needs of a Movie and Entertainment Studio.

Outdoor Commercial Recreation Concentrated – See definition in Article 3.

Streets – Public and private streets and rights of way may traverse the Mixed Use Overlay District.

7.7 Parking and Loading

In the Mixed Use Overlay District, Parking Spaces and on-street spaces shall be provided as follows:

Use - Required Spaces for Parking (total of Parking Spaces and on-street spaces)

Residential: 1.0 spaces per each dwelling unit (minimum) and 2.0 spaces per each dwelling unit (maximum)

Light Industrial: 0.5 spaces per 1,000 square feet of Gross Floor Area (minimum) and 3.0 spaces per 1,000 square feet of Gross Floor Area (maximum)

Movie and Entertainment Studio and Movie and Entertainment Studio Campus: 0.5 spaces per 1,000 square feet of Gross Floor Area (minimum) and 3.0 spaces per 1,000 square feet of Gross Floor Area (maximum)

Biopharmaceutical Manufacturing: 0.5 spaces per 1,000 square feet of Gross Floor Area (minimum) and 3.0 spaces per 1,000 square feet of Gross Floor Area (maximum)

Office/Commercial: 3.0 spaces per 1,000 square feet of Gross Floor Area (minimum) and 5.0 spaces per 1,000 square feet of Gross Floor Area (maximum)

Retail (other than Anchor Retail): 3.0 spaces per 1,000 square feet of Gross Floor Area (minimum) and 4.0 spaces per 1,000 square feet of Gross Floor Area (maximum)

Anchor Retail: 3.0 spaces per 1,000 square feet of Gross Floor Area (minimum) and 6.0 spaces per 1,000 square feet of Gross Floor Area (maximum)

Outdoor Commercial Recreation, Concentrated (other than Stadium): as determined by the Permit Granting Authority

Restaurant: 10.0 spaces per 1,000 square feet of Gross Floor Area (minimum) and 15.0 spaces per 1,000 square feet of Gross Floor Area (maximum)

Theater: 1 space per every 3 seats

Stadium: 1 space per every 4 seats (minimum) and 1 space per every 2 seats (maximum)

Health Club: 4.0 spaces per 1,000 square feet of Gross Floor Area (minimum) and 6.0 spaces per 1,000 square feet of Gross Floor Area (maximum)

Hotel: 0.75 spaces per each room (minimum) and 1.0 spaces per each room (maximum)

Medical Center: 4.0 spaces per 1,000 square feet of Gross Floor Area (minimum) and 6.0 spaces per 1,000 feet of Gross Floor Area (maximum)

Minimum parking requirements may be reduced, and maximum parking requirements may be exceeded, by the Permit Granting Authority during site plan approval if the Permit Granting Authority finds that a lesser or greater amount of parking will not cause excessive congestion or endanger public safety, and/or that a lesser or greater amount of parking will provide positive environmental or other benefits.

The parking requirements may be met by a combination of parking interior to the lot(s) on which the uses(s) occur, on streets or on other lots pursuant to Section 7.8, all as is appropriate to a pedestrian-oriented environment, subject to site plan approval.

In the Mixed Use Overlay District, spaces for loading shall be provided such that the location and design of loading areas is appropriate and functional to service the proposed development as determined by the Permit Granting Authority:

The loading requirements may be met by a combination of loading interior to the lot(s) on which the use(s) occur, on streets or on other lots pursuant to Section 7.8, all as is appropriate to a pedestrian-oriented environment, subject to site plan approval.

7.8 Shared Parking and Loading

Shared parking and/or loading areas may be permitted for the purpose of servicing two or more principal uses on the same or separate lots, provided that:

- A. Shared Facilities. Evidence is submitted that safe and accessible parking and/or loading is available on the lot on which the use(s) occur or on a lot located within 600 feet of the lots on which the use(s) occur, which other parking and/or loading satisfies the requirements of these By-Laws and has excess capacity during all or part of the day, which excess capacity shall be demonstrated by a competent parking and/or loading study conducted by a traffic engineer registered in the Commonwealth of Massachusetts.
- B. Legal Agreement. If the uses are on separate lots, any contract, agreement or suitable legal instrument required by the Special Permit Granting Authority or Permit Granting Authority, as applicable, shall be filed as required.

7.9 Special Dimensional Requirements

- A. Where the Town Center Subdistrict abuts the Neighborhood Subdistrict within the Mixed Use Overlay District, a setback of at least 50 feet between the boundary of the Neighborhood Subdistrict and any building in the Town Center Subdistrict shall be provided.
- B. All buildings in the Town Center Subdistrict must be located a minimum of 20 feet from any lot outside the Mixed Use Overlay District used for residential purposes at the time of the applicable site plan approval application, which setback area shall be undeveloped and/or landscaped. The setback area may include parking areas and access ways, subject to approval of screening by the Permit Granting Authority. Upon a finding by the Permit Granting Authority that a setback of a lesser width would be sufficient to screen and/or separate the development in the Mixed Use Overlay District from the lot outside of the Mixed Use Overlay District, the setback may be reduced. This section shall not apply to any lot outside the Mixed Use Overlay District whose boundary with the Mixed Use Overlay District is located on any street or right of way.

7.10 Special Site Plan Approval Provisions

A site plan for a development in the Mixed Use Overlay District may show proposed construction within a “Permissible Building Area”, where the mix of uses and related construction details are subject to change, and specify the maximum square feet of Gross Floor Area to be constructed within such Permissible Building Area. Although an approved site plan may show a proposed building, the site plan approval shall apply as long as the structure or other site features are constructed within the Permissible Building Area indicated. After the issuance of a certificate of occupancy for a building, the amount of Gross Floor Area by which such constructed building is less than the maximum Gross Floor Area allocated thereto or the amount by which the number of Dwelling Units constructed is less than the Dwelling Units proposed shall be available for reallocation to other proposed buildings or Dwelling Units within the Mixed Use Overlay District, subject to further site plan approval of the buildings to which such intensity of uses is reallocated, if required.

7A. MIXED USE DEVELOPMENT DISTRICT (MUDD)

7A.1 Purpose.

The Mixed Use Development District (MUDD) is established to encourage the development of a mix of uses in the undeveloped areas of NAS South Weymouth, which areas provide proximate access to major highways and public transportation. The MUDD provisions are intended to promote creative, efficient, and appropriate solutions for the development of complex sites, and facilitate the development of a mix of complementary land uses, including both residential and nonresidential development, to create a well-planned and economically viable master planned community.

7A.2 Location.

The boundaries of the MUDD are established as shown and delineated on the Zoning District Map that is incorporated as part of these By-Laws. A reduced copy of the Zoning District Map in effect as of the Effective Date is attached as **Exhibit A** to these By-Laws. The official Zoning District Map, including all amendments thereto, shall be maintained on file with the following parties: the clerks and the Planning Boards of each of the Towns; and the Authority.

7A.3 Master Development Plan.

Land within the MUDD and shown on the Master Development Plan, may be developed pursuant to this Article 7A. As used in this Article 7A, the term “proponent” refers to the proponent or developer of any phase or area of development within the MUDD.

7A.3.1 General Plan Requirements.

The package of materials supporting the Master Development Plan shall include the following information, which shall be on file with the Authority and available for review:

- (a) The area of land proposed to be developed under this Article 7A.
- (b) A plan of existing conditions showing the topography and features, including wetlands and water bodies, if any, of the land to be developed, as well as the boundaries of the Water Resource Protection Overlay District (WRPOD) in relation to the land to be developed.
- (c) The general location, size, and designated use of dedicated open space, recreational, and buffer areas, including the description of the proposed buffer.
- (d) Illustrative examples of amenities and design features, such as streetscape improvements, landscaping, and open spaces, to be included as part of the proposed development.
- (e) Illustrative examples of the general architecture anticipated.
- (f) Accompanying technical reports and studies, consisting of a (i) stormwater and drainage report, (ii) fiscal impact study (including the impact on tax revenue of the proposed mix of commercial and residential uses), (iii) traffic study, and (iv) utilities report.
- (g) A summary of the potential traffic and other mitigation, including concept plans for proposed offsite mitigation and financial contributions, if applicable.

7A.3.2 Core Development Area Requirements

The Master Development Plan may delineate a Core Development Area (CDA), which is an area within the MUDD that shall include Open Space uses in addition to residential and non-residential uses. With respect to the CDA, the Master Development Plan materials shall show the following additional details:

- (a) The location of the CDA, together with the general conceptual location of buildings within that area.
- (b) A narrative describing all material details of the CDA.
- (c) The general conceptual layout of parking, loading, and landscaped areas, and pedestrian and bicycle paths.
- (d) Conceptual roadway, drainage and utility infrastructure servicing the CDA.
- (e) Illustrative architectural perspectives of buildings and parking structures.

- (f) With respect to any proposed residential development, (i) the general location of residential building(s), and (ii) the number of Affordable Housing Units and/or Workforce Housing Units.
- (g) An initial list of the sustainable development measures likely to be considered in the CDA.
- (h) The titles and dates of all submittals intended to satisfy the requirements of this Article 7A.3.2.

7A.3.3 Additional Details for Non-CDA Areas.

To the extent available, the Master Development Plan shall include the type of details required for the CDA pursuant to Article 7A.3.2 for the non-CDA portions of the Master Development Plan.

7A.4 Permitted Uses.

The land shown on the Master Development Plan may be used for any use permitted as of right or by special permit as set forth on the Table of Permitted Uses attached hereto as Exhibit C, as well as any such uses identified below as permitted as of right (subject to issuance of a Conformance Determination, as defined in Article 7A.10.1.1, or PDR Approval, as defined in Article 7A.10.1.2, as applicable) or by Special Permit (pursuant to the terms of Article 7A.10.2). Multiple uses may be contained within a single building or structure or on a single lot. Neither Building Forms nor the corresponding dimensional, parking and/or loading requirements for such Building Forms shall apply in the MUDD.

7A.4.1 Certain Principal Uses Permitted As of Right

7A.4.1.1 Residential Uses

7A.4.1.1.1 *Single Family (or "single family house")* - A building which (1) contains one dwelling unit; (2) may or may not be attached to any other building or dwelling unit; and (3) occupies its own individual lot on which there is no other dwelling unit or principal use.

7A.4.1.1.2 *Townhouse* - A structure containing two or more attached dwellings where (1) each home has its own front and secondary access; (2) the homes are separated from each other by building code compliant walls; and (3) the homes may all be situated on one lot or on individual lots.

7A.4.1.2 Commercial and Public Uses

- 7A.4.1.2.1 *Autonomous and Electrical Vehicles Facility* - A facility used for the testing, operation, maintenance storage and/or sales of autonomous or electric vehicles.
- 7A.4.1.2.2 *Brewery* - A facility, licensed under relevant local, state and federal statutes, for the production and packaging of malt, wine, or hard cider beverages for retail sale and for consumption on or off the premises or wholesale distribution and which may include as an accessory use preparation and/or sale of food for on premises consumption or for take-out. A tasting room is permitted as an accessory use. Any such facility may (i) provide samples at no charge and limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations and licenses issued thereunder (ii) host marketing events, special events, and/or factory tours; and (iii) include as an accessory use an eat-in or take-out restaurant, including outdoor dining and live indoor entertainment.
- 7A.4.1.2.3 *Brew Pub* - An eat-in restaurant, licensed under relevant local, state and federal statutes to produce and sell malt beverages at the location, whose primary business is the preparation and sale of food to be consumed on the premises, and whose accessory business is the production of malt beverages, including beer, ales and hard ciders, which may include packaging of such beverages and on-premises sale of such beverages for consumption on or off the premises. Malt beverages produced on the premises, may be sold to other establishments in compliance with relevant state and federal statutes and regulations. Accessory outdoor dining and live indoor

entertainment is allowed if otherwise permitted in the zoning district in which the brew pub is located, if and as permitted by its license.

7A.4.1.2.4 *Food Hall* - A standalone location, whether indoors or outdoors, where food and drinks are sold by multiple vendors to be consumed in communal dining spaces.

7A.4.1.2.5 *Distillery or Winery with Tasting Room* - A business located in a building where the primary use is for the production and distribution of malt, spirituous, or vinous beverages which includes warehousing, bottling, and distribution of the product. A tasting room is permitted as an accessory use. The facility may host marketing events, special events, and/or factory tours and serve food for the events and tours. The facility may only sell beverages produced by, and commercial goods branded by, the distillery or winery. The facility may sell permitted beverages to consumers for consumption off the premises.

7A.4.1.2.6 *Electric Vehicle Charging Station* - A structure or facility that is available to the public for the purpose(s) of supplying electricity to electric vehicles.

7A.4.1.2.7 *Medical Facility* - A facility with one or more of the following uses whether or not, in each case, the uses are owned, operated or managed directly by a hospital or through a corporate affiliate controlled by a hospital: (i) doctor's offices, dentist's offices, orthodontic services, psychiatric, psychological and other mental health services, imaging and laboratory services, sale, rental and repair of medical devices and equipment or other health care or health care services on an ambulatory or outpatient basis; (ii) professional, business or administrative office; (iii) facility for the provision of testing, analytical, diagnostic,

pharmaceutical or other health care support services, equipment or procedures; (iv) cell generation, gene therapy, and infusion treatment; (v) diagnosis or medical, surgical, restorative or other treatment that is rendered within said facility on an ambulatory or outpatient basis, including, without limitation, patient and retail pharmacy, physical, speech and occupational therapy, transitional care and rehabilitation respite, palliative care and behavioral medicine, specialty clinics, radiation oncology, alternative medicine treatment, mobile diagnostic services, meeting and conference facilities, stock rooms, laundries, staff and administrative office; and (vi) accessory uses customarily conducted in coordination with any of the foregoing, including, without limitation, retail establishments, cafeteria, gift and coffee shops, indoor athletic exercise facility, and research laboratories.

- 7A.4.1.2.8 *Motor Vehicle Fuel Station* - A structure or facility that is available to the public for the purpose(s) of supplying fuel and oil to motor vehicles.
- 7A.4.1.2.9 *Movie and Entertainment Studio* - A single building or multi-building grouping for the commercial production of movies, videos and other media and/or educational uses relating to cinema, art, entertainment or other similar cultural endeavors, including research.
- 7A.4.1.2.10 *Movie and Entertainment Studio Campus* - A multi-building, multi-use area that may include a mix of uses that are customarily associated with mixed use, low scale developments and/or open spaces; which is designed and operated to support and serve the needs of a Movie and Entertainment Studio.

- 7A.4.1.2.11 *Motor Vehicle Parking and Storage* - Indoor or outdoor parking or storage of motor vehicles for a period of not more than twelve (12) months.
- 7A.4.1.2.12 *New Car Dealership* - A type of Retail Sales establishment whose principal use is the sale of new automobiles, with used automobiles comprising up to twenty percent (20%) of the inventory, which may include a retail-oriented showroom(s) for the display and sale of automobiles.
- 7A.4.1.2.13 *Office* - A building or portion of a building in which work of a predominantly administrative, professional, or clerical nature is performed. An office is generally furnished with desks, tables, files, computers, and office and communications equipment. In the MUDD, "Office" includes walk-in retail consumer sales and services and production/manufacture of any physical products for sale.
- 7A.4.1.2.14 *Restaurant* - A commercial establishment for preparation and service of food and drink on premises to patrons seated in a dining area, with service being primarily provided to the patrons by wait staff, which may include incidental and subordinate take-out service.
- 7A.4.1.2.15 *Restaurant, Fast-Food* - A commercial establishment for preparation, dispensing or service of food and beverages for consumption on- or off-premises, characterized by the food served being packaged or presented so as to be readily eaten off-premises; providing minimal, if any, table service; providing short wait times; which use may include incidental and subordinate take-out service and may include drive-through window service.
- 7A.4.1.2.16 *Retail Sales and/or Experiential Services or Uses* - A commercial operation which

involves the display, sale, and/or lease/rental to the general public of physical goods and/or experiential services or uses.

- 7A.4.1.2.17 *Warehouse/Distribution* - A structure with a building footprint of 250,000 square feet or less used for a distribution warehouse or cold storage.
- 7A.4.1.2.18 *Public Uses* - Use of land or structures by the Authority for maintenance operations, public utilities, public works and similar governmental functions.
- 7A.4.1.2.19 *Community Amenity Spaces and Club House* - Building and facilities (whether indoors or outdoors) for social gatherings, restaurant, day care, and education and retail services may be housed, as an amenity to all or a portion of a residential community.
- 7A.4.1.2.20 *Community Garden* – An area of land that is available for rent to individuals or groups to cultivate a private gardens.
- 7A.4.1.2.21 *Service of a Public Entity or Public/Private Utility Provider* - The erection, construction, alteration or maintenance, on a permanent or temporary basis, by public entities, public or private utilities, or state, municipal or federal departments or commissions of underground or overhead electrical, gas, steam or water transmission or distribution systems; collection, communication, supply or disposal systems; poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, dewatering plants and other similar equipment and accessories in connection therewith; and including essential physical construction, equipment, and accessories in connection therewith;

including any buildings associated therewith.

- 7A.4.1.3 Notwithstanding anything contained herein to the contrary, the following uses shall be considered “commercial uses” rather than “residential uses” in the MUDD: Assisted Living, Congregate Living Residence Facility, Independent Living Residence Facility, Long-Term Care Facility, Senior Residence Community. Any unit within Assisted Living, Congregate Living Residence Facility, Independent Living Residence Facility, Long-Term Care Facility or Senior Residence Community shall not be considered a “dwelling unit” for purposes of Section 7A.4.5.2.
- 7A.4.1.4 Notwithstanding anything contained herein to the contrary, the use of any land outside of the MUDD, including, without limitation, streets and driveways, shall be permitted to access a use permitted within the MUDD even if such use requires a special permit or is otherwise forbidden in the zoning district in which the land (including streets or driveways) is located.

If, upon request by a proponent, the Authority determines a use to be in the same general use category and is similar in kind to, and is similar in impact to, a use allowed as of right by Article 7A.4.1 above, that use shall be allowed.

7A.4.2 Special Permit Uses

- 7A.4.2.1 *Helipad* - A landing and takeoff area for helicopters.
- 7A.4.2.2 *Large Warehouse/Distribution* - A structure with a building footprint of greater than 250,000 square feet used for a distribution warehouse or cold storage.

If, upon request by a proponent, the Authority determines a use to be in the same general use category and is similar in kind to, and is similar in impact to, a use allowed by Special Permit by Article 7A.4.2 above, that use may be allowed by Special Permit. Notwithstanding anything to the contrary in these By-Laws, in lieu of Article 11, the provisions of Article 7A.10.2 shall govern in the event that a Special Permit is required under this section.

7A.4.3 Prohibited Uses

The following uses shall be prohibited in the MUDD:

- 7A.4.3.1 Landfills and open dumps as defined in 310 CMR 19.006.
- 7A.4.3.2 Automobile graveyards and junkyards, as defined in M.G.L. c.140B, §1.

- 7A.4.3.3 Landfills receiving only wastewater and/or septage residuals including those approved by the Department pursuant to M.G.L. c.21, §26 through 53; M.G.L. c. 111, §17; M.G.L. c.83 §6 and 7, and regulations promulgated thereunder.
- 7A.4.3.4 Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. Note, SIC Codes are established by the US Office of Management and Budget and may be determined by referring to the publication entitled “Standard Industrial Classification Manual”, and any other subsequent amendments.
- 7A.4.3.5 Unless stored and offered for sale in connection with retail use or incidental to residential or multifamily use, storage of liquid hazardous materials, as defined in M.G.L. c.21E, and/or liquid petroleum products, unless such storage is: (1) above ground level, (2) on an impervious surface, and (3) either: (a) in container(s); or (b) above ground tank(s) within a building, or outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container’s storage capacity, whichever is greater.
- 7A.4.3.6 Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.
- 7A.4.3.7 Storage of deicing chemicals, unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- 7A.4.3.8 Storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service.
- 7A.4.3.9 Discharge to the ground of non-sanitary wastewater, including industrial and commercial process wastewater, except: treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and publicly owned treatment works.
- 7A.4.3.10 Storage of commercial fertilizers, as defined in M.G.L. c. 128, §64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

- 7A.4.3.11 *Crematorium* - A facility used for activities associated with the preparation of the deceased for cremation. The use typically includes on-premises facilities for cremation (provided such activities are conducted in accordance with all governing state and local health and environmental regulations), as well as rooms for assembly for wakes or other related services.
- 7A.4.3.12 *Used Car Dealership* - A type of Retail Sales establishment whose principal use is the sale of used automobiles.

Any use(s) not expressly allowed pursuant to Article 7A (whether as of right or by Special Permit) shall be prohibited unless the Zoning Enforcement Officer, in consultation with the Authority, determines that a proposed use is substantially similar in both its characteristics and its impact on abutting properties to a use listed as permitted by right or by Special Permit.

- 7A.4.4 Accessory Uses. An accessory use may be located on a different lot from its associated principal use provided that the accessory use remains reasonably proximate to the principal use.
- 7A.4.5 Residential Use Requirements. All residential components of development within the MUDD should comply with the below provisions. The provisions of this Article 7A.4.5 shall apply within the MUDD in lieu of the provisions related to Affordable Housing within any of the Regulations (or associated plans, guidelines or standards) applicable to other zoning districts.
- 7A.4.5.1 Design. All residential components should be connected with the overall development through the use of sidewalks, crosswalks, trails, neighborhood streets and other pedestrian connections so as to enable safe, attractive, and comfortable access and travel for all users, including pedestrians, bicyclists, motorists and public transport users of all ages and abilities.
- 7A.4.5.2 Affordable Housing. In any project that will result in the development of at least ten (10) new dwelling units, a minimum of ten percent (10%) of the dwelling units must be devoted to Affordable Housing and remain affordable in perpetuity.
- a. Where any project within the MUDD will result in the development of less than ten (10) new dwelling units, the proponent may either (i) make a payment to the Authority in accordance with the Affordable Housing Fee Schedule to offset the lack of the Affordable Housing unit within the MUDD or (ii) devote one (1) unit at the project to Affordable Housing.

- b. All units of Affordable Housing provided under this Article 7A.4.5.2 must be permanently encumbered so as to be maintained as Affordable Housing in perpetuity.
- c. In the event a multi-family residential project or subdivision devotes more than 10% of the dwelling units or lots, as applicable, to Affordable Housing, the proponent may elect, in writing, to designate such excess units to satisfy all or a portion of the minimum Affordable Housing requirement of another residential development within the MUDD.

7A.4.6 Soil Reclamation. A Special Permit shall be required to permanently add soil, loam sand, gravel, or other earth materials obtained from a location outside of the boundaries of NAS South Weymouth to permanently raise the finished grade surrounding a structure by more than ten (10) feet.

7A.5 Dimensional Standards and Requirements.

The alternative dimensional and other requirements set forth in this Article 7A.5 shall be used within the MUDD in lieu of any dimensional requirements provided (i) elsewhere in these By-Laws, including, without limitation, Exhibit D, or (ii) any of the Regulations (or associated plans, guidelines or standards) applicable to other zoning districts.

7A.5.1 Table of Dimensional Requirements

MUDD Minimum Lot Area	1,200 square feet
MUDD Maximum Building Height *	125 feet
MUDD Minimum Lot Frontage	20 feet
MUDD Front Setback	0 feet
MUDD Side Setback	0 feet
MUDD Rear Setback	0 feet

* Notwithstanding anything contained herein to the contrary, (i) Building Height in the MUDD shall be measured from the finished grade, (ii) unoccupied features such as chimneys, clock towers, vent stacks, building mounted wireless communications equipment, mechanical equipment, ventilators, skylights, tanks, bulkheads, penthouses, antennae, green energy infrastructure, rooftop screening elements, and functional, decorative, or architectural features carried above the roof line, provided however that such features may exceed the limitations on

Building Height by 35 feet, and (iii) any accessory structure(s) reasonably necessary for the safe and efficient operation of a principal use (e.g., support poles for “catch” netting used as part of a driving range or other similar commercial recreation facility), provided such structure(s) complies with applicable federal and state requirements, shall not be subject to the maximum height limitations.

- 7A.5.2 Within the MUDD, Gross Floor Area shall be calculated by taking the sum of the gross horizontal area of all floors of a building measured from the exterior face of the exterior walls or the centerlines of party walls and deducting basements, parking areas (both above and below ground), corridors, elevators, stairs, closets, columns, storage areas (and other areas within the building not primarily used for human occupancy).
- 7A.5.3 More than one (1) principal use and/or building shall be permitted on any lot.
- 7A.5.4 Individual buildings within the MUDD development may be located immediately adjacent to individual lot line boundaries. Without limiting the foregoing, there shall be no minimum corner clearance, lot width, setback requirements, minimum non-wetland area, maximum building coverage, maximum impervious surface, or lot coverage requirements for a project developed under this Article 7A, provided that a minimum setback and corner clearance may be required by the Authority to preserve acceptable sightlines for traffic safety as informed by good engineering practice.

7A.6 Parking and Loading.

The alternative parking requirements set forth in this Article 7A shall be used within the MUDD rather than the requirements elsewhere in these By-Laws.

- 7A.6.1 Expected parking requirements for the MUDD shall be as set forth on a schedule included with the Master Development Plan (the “Parking Schedule”). The number of parking spaces for a phase or proposed development within the MUDD shall be confirmed by the Authority as part of a Conformance Determination, as defined in Article 7A.10.1.1, or a Project Development Review, as defined in Article 7A.10.1.2, as applicable, and the actual aggregate number of spaces approved by the Authority may vary from the Parking Schedule. The number of spaces contained within any phase or area of development within the MUDD may change from time to time, based upon changes in use and tenant requirements.
- 7A.6.2 Shared on- and off-street parking arrangements, which may be allocated to one or more uses, may include structured parking and may be located on contiguous lots or on separate lots that are within 500 feet of the property line.
- 7A.6.3 There shall be no minimum parking setback requirements.

- 7A.6.4 Parking lot landscaping, both internal and perimeter (if applicable), for any phase or area of development within the MUDD shall be as accepted by the Authority as part of a Conformance Determination, as defined in Article 7A.10.1.1, or as part of a PDR Approval, as defined in Article 7A.10.1.2.
- 7A.6.5 Parking may be provided through any combination of at grade, on street, and/or structured parking facilities, both stand-alone and part of other buildings. Parking for cars and bicycles shall be as accepted by the Authority as part of a Conformance Determination, as defined in Article 7A.10.1.1, or as part of a PDR Approval, as defined in Article 7A.10.1.2.
- 7A.6.6 Sidewalks or multipurpose pedestrian ways and facilities should connect each parking lot or facility to buildings, public spaces, or other destination points within the development.
- 7A.6.7 Adequate loading areas shall be provided for all businesses and other applicable commercial uses containing more than ten thousand (10,000) square feet of Gross Floor Area. When exclusive loading areas are provided, such areas should be designed so as to have unobstructed access and should be configured so that no trucks or other vehicles are parked on a public street while loading or unloading, or while waiting to load or unload.

7A.7 Transportation Demand Management (TDM).

Consistent with the traffic impact studies to be submitted and approved in support of the Master Development Plan, TDM measures shall be incorporated into a phase or proposed development in the MUDD, as appropriate, which may include the following:

- (a) The appointment of a TDM Coordinator for a phase or proposed development in the MUDD, or separate TDM Coordinators for individual phases or components of such a development; and
- (b) The submission of a TDM plan for a phase or proposed development in the MUDD, or separate TDM plans for individual phases or components of such a development, to include programs and techniques designed to reduce single-occupancy vehicle use, and to facilitate the use of alternative means of transportation.

7A.8 Signage.

The alternative sign requirements set forth in this Article 7A.8 shall be used within the MUDD rather than the signage requirements applicable elsewhere in these By-Laws.

All signage within the MUDD, including, without limitation, sign type, material, illumination and location, shall be in accordance with a comprehensive signage program developed by the proponent and approved by the Authority (the “Comprehensive Signage

Program”), which shall control for all purposes and shall not be inconsistent with the architectural quality of the MUDD.

7A.9 Design and Performance Standards.

The following general design and performance guidelines are to be implemented within the MUDD to the extent reasonably practicable, as determined by the proponent. These guidelines set forth in this Article 7A.9 shall override any other standards and requirements imposed elsewhere in these By-Laws or within any of the Regulations (or associated plans, guidelines or standards) applicable to other zoning districts.

7A.9.1 Building Design.

- (a) General. Any combination of architectural design elements may be employed to create a visually pleasing, unifying and compatible image for the development as a whole, including building color, texture, materials, scale, height, setbacks, roof and cornice lines, signs, and elements such as door and window size and location, and door and window detailing.
- (b) Exterior Materials. Exterior walls for a proposed development in the MUDD may use a combination of architectural masonry materials, including but not limited to brick, glass, stone, stucco, exterior insulation and finishing system (EIFS), high quality siding and shingles, precast concrete architectural panels, stainless steel, split face block. No standard scored or flat face block will be allowed. Stainless steel should be used solely as accents at entrances or windows, unless otherwise approved by the Authority as part of its Conformance Determination or PDR Approval. Colors should be medium values of natural building materials such as earth, stone, etc. Extremes of colors should not be used except as accents at entrances.
- (c) Facade Treatments. To avoid long unbroken expanses of wall, the architecture should incorporate, as appropriate, design features providing horizontal and vertical relief including projections, building jogs, elements of transparency or windows, architectural detailing, and changes in surface materials. The design of public entrance ways should incorporate architectural features and elements to emphasize the entrance locations and interrupt long stretches of building facade. The facades of parking structures should be designed to a standard of architectural finish compatible with other buildings. Complementary use of public pedestrian spaces may also be considered as a contributory element.
- (d) Relationships Among Structures and Components. Buildings and parking structures should be designed with common elements that both create a sense of unity and express a relationship to the interior. An example is using ornamentation to reflect floor levels. These elements may include

the horizontal spacing of bays, columns and windows, and the vertical alignment and spacing of floors. Structures should relate harmoniously to the existing landscape and to the scale and architecture of existing buildings that have a functional and/or visual relationship to the proposed structures.

- (e) Detailing. Architectural detailing and surface textures and colors of adjoining components for any phase or area of development within the MUDD, such as retail stores, residential structures, and parking structures, should be related and contribute to an overall sense of cohesion within a phase or proposed development in the MUDD. While a variety of design treatments is encouraged to avoid monotony, individual components should be designed to avoid overly strong contrasts.
- (f) Rooftops. Rooftop mechanical features, heating and air conditioning units, vents, stacks, mechanical penthouse(s) should be screened by use of parapet walls or similar elements where feasible.

7A.9.2 Visual Mitigation and Screening of Infrastructural Elements. Exposed storage areas, exposed machinery or electric installations, common service areas, truck loading areas, utility structures, trash/recycling areas and other elements of the development infrastructure should be subject to reasonable visual mitigation, including, but not limited to, screen plantings or buffer strips, combinations of visually impermeable fencing and plantings, or other screening methods necessary to assure an attractive visual environment.

7A.9.3 Utilities. To the extent practicable, all new, permanent utilities such as electricity, telephone, gas, and fiber optic cable to be installed in connection with the MUDD development shall be placed underground. All MUDD developments, and all principal buildings within them, should be connected to the public water supply. Sewage collection should be by the public sewage collection system or by a local area or on-site treatment facility.

7A.9.4 Land Uses and Common Areas. Open space or publicly-accessible common areas should be included within the overall development within the MUDD, to encourage pedestrian activity and to visually separate buildings or groups of buildings. When reasonably feasible, independently sited common areas should be connected to other nearby open space and common areas by use of pathways and other similar pedestrian connections.

7A.9.5 Street Design. Streets, interior drives and related infrastructure shall be designed in accordance with the MUDD Subdivision Regulations, and should be designed with sufficient capacity to accommodate anticipated trip generation and turning movements, and to provide for adequate access by public safety vehicles and maintenance equipment.

- 7A.9.6 Circulation, Traffic Impact & Public Street Access. The overall development within the MUDD should provide for a comprehensive, interconnected, safe and efficient system of circulation that adequately incorporates varied transportation modes, both vehicular and non-vehicular. This system should include the layout of roadways, interior drives, automobile and bicycle parking facilities and should include pedestrian and bicycle circulation and directional signage. Traffic planning should consider the surrounding system of streets, the existing and future vehicular trip volume, the number and location of proposed access points to streets, and existing and proposed traffic controls and management measures. Drive-Through Services should not impede the circulation of traffic on roadways or within parking lots in a way that gives rise to congestion or safety hazards.
- 7A.9.7 Public Safety. The design shall include adequate water supply distribution and storage for fire protection. Vehicular circulation shall consider the access needs of emergency and public safety vehicles.
- 7A.9.8 Stormwater Management. Stormwater management systems serving the proposed development shall be designed in conformance with DEP Stormwater Standards, as amended from time to time, to efficiently collect runoff from all impervious surfaces, roofs, and canopies in a manner that avoids adverse drainage impact on any neighboring property. A plan for controls that are appropriate and specific to the site and the phase or proposed development in the MUDD, and which includes both pre-construction and post-development measures, should be employed to mitigate erosion and sedimentation impacts. Where space, topography, soils, and the character of the proposed development make it practical, low impact designs (LID) that capture and recharge runoff to the groundwater shall be used as an alternative to closed systems.
- 7A.9.9 Outdoor Lighting. Lighting should be designed so as to avoid any material light trespass and glare on adjacent neighborhoods, business areas, and streets, while maintaining reasonable nighttime safety and security. To the extent practicable, exterior lighting fixtures shall be of the full-cutoff type, and hoods and shields shall be incorporated as needed to prevent light trespass and glare. Lighting in minimally-used areas should be reduced after business hours.
- 7A.9.10 Energy Efficiency. To the extent practicable, any phase or area of development within the MUDD shall incorporate energy-efficient technology in building materials, lighting, heating, ventilating and air conditioning systems, as well as use of renewable energy resources, and should adhere to the principles of energy-conscious design with regard to building orientation, shading, landscaping and other elements. Efforts shall be made to harmonize energy-related components with the character of a building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.

- 7A.9.11 Sustainability. Any phase or area of development within the MUDD should incorporate sustainable measures and practices, potentially including white roofing, daylighting, photovoltaics, LED technology, water using fixtures that meet WaterSense or equivalent standards, and similar measures, that demonstrate a measurable reduction in greenhouse gas impacts.
- 7A.9.12 Air Quality, Noise, Vibration, Etc. To the extent practicable, the approved development, when open, shall comply with applicable DEP standards as to such development's environmental impacts. Under no circumstances shall the development result in "noxious" impacts to the environment or the community, and the air quality, noise, and vibration impacts associated with the development should be appropriate for the development and the character of surrounding uses, with the sole exception of any temporary impacts associated with public gatherings or special events, emergency and public safety vehicle operations, construction, and similar activities.
- 7A.9.13 Construction Solid Waste Management. The proponent shall make arrangements for the prompt disposal of tree stumps and debris resulting from construction, and shall arrange for appropriate on-site storage of refuse pending its removal. Such on-site storage should be screened from public view, secure from birds or other animals, protected from wind and other weather conditions, and located so as to present minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.
- 7A.9.14 Water Efficiency. To the extent practicable, a MUDD project shall incorporate water-efficient technology in building materials, air conditioning systems, irrigation systems, and plumbing fixtures and appliances, and shall, where reasonably feasible, utilize EPA WaterSense or equivalent labeled toilets, faucets, urinals, showers, pre-rinse nozzles and irrigation controllers.

7A.10 Administration.

7A.10.1 Project Review.

7A.10.1.1 Conformance Determination.

- 7A.10.1.1.1 If applicable, the CDA may undergo a Conformance Determination administrative review simultaneously with the Authority's approval of this Article 7A prior to approval by Weymouth Town Council and Town Meeting approval by Abington and Rockland. In the event that the Conformance Determination administrative review does not occur simultaneously with the Authority's approval of this Article 7A

or the Authority requires additional information or materials prior to administratively approving the CDA and the proponent is not able to deliver such materials sufficiently in advance of confirmation by Weymouth Town Council and Town Meeting approval by Abington and Rockland, then the CDA shall undergo a Conformance Determination administrative review following the receipt of all materials by the Authority. Following receipt of all materials and a public meeting as set forth in Article 7A.10.1.1.2 below, the Authority shall issue the Conformance Determination if, or shall issue the Conformance Determination subject to reasonable conditions so that, the area or phase shown on the plans and materials (i) materially conforms to the approved Master Development Plan materials, including the reports and studies submitted in support thereof and (ii) is otherwise consistent with the standards and requirements set forth in this Article 7A. The Conformance Determination shall be conclusive evidence of such findings. No building permit shall be issued with respect to the CDA prior to the issuance of a Conformance Determination for the CDA.

All other areas and phases within the MUDD shall undergo Project Development Review in accordance with Article 7A.10.1.2 below.

- 7A.10.1.1.2 A Conformance Determination shall require a public meeting but not a public hearing. Notice of the public meeting shall be given in accordance with the Open Meeting Law, M.G.L. c. 30A, Sections 18 through 25. The Authority, in its discretion, may informally accept oral or written comments from the public at its public meeting. Such public commentary shall not make the meeting a public hearing or an adjudicatory hearing. The Board, in its discretion, may provide notice of its public meeting beyond

the requirements of the Open Meeting Law. Any such notices shall be a courtesy and shall not cause the recipients thereof to become Parties in Interest as defined in M.G.L. Chapter 40A, Section 11.

7A.10.1.1.3 The affirmative vote of a majority of a quorum of the Authority shall be required for a Conformance Determination. The decision of the Authority shall be made and filed with the official records of the Authority within sixty (60) days of the receipt of all application materials for Conformance Determination with the Authority.

7A.10.1.2 Project Development Review (PDR).

7A.10.1.2.1 Following approval of the Master Development Plan, any phase or area within the MUDD (other than the CDA) shall undergo an administrative Project Development Review prior to issuance of a building permit for such phase or area. The Authority shall issue a PDR Approval for any phase or area of development within the MUDD if, or shall issue a PDR Approval for any phase or area of development within the MUDD subject to reasonable conditions so that, the following criteria have been met with respect to any phase or area of development within the MUDD for which Project Development Review is being conducted:

(a) Conformance. The phase or component of the development for which PDR Approval is sought materially conforms to the Master Development Plan materials, including the reports and studies submitted in support thereof pursuant to Article 7A.3, as the same may be modified pursuant to these By-Laws.

(b) Fiscal Impact. The phase or component of the development for which PDR Approval is sought, together with other development in the MUDD,

results in net fiscal benefits and the proponent has adequately mitigated any adverse fiscal impacts.

(c) Design. The phase or component of the development for which PDR Approval is sought complies with the standards and requirements set forth in this Article 7A, including but not limited to the performance and design standards set forth in Article 7A.9.

The criteria under paragraphs (a), (b) and (c) above may be satisfied through mitigation measures proposed by the proponent.

A PDR Approval shall be conclusive evidence of the Authority's determination under this section that the phase or component of the development for which a building permit is being sought has satisfied the criteria under paragraphs (a), (b) and (c) above.

7A.10.1.2.2 An application for a Project Development Review shall require a public meeting but not a public hearing. Notice of the public meeting shall be given in accordance with the Open Meeting Law, M.G.L. c. 30A, Sections 18 through 25. The Authority, in its discretion, may informally accept oral or written comments from the public at its public meeting. Such public commentary shall not make the meeting a public hearing or an adjudicatory hearing. The Board, in its discretion, may provide notice of its public meeting beyond the requirements of the Open Meeting Law. Any such notices shall be a courtesy and shall not cause the recipients thereof to become Parties in Interest as defined in M.G.L. Chapter 40A, Section 11.

7A.10.1.2.3 The affirmative vote of a majority of a quorum of the Authority shall be required for a PDR Approval. The decision of the Authority shall be made and filed with the official records of the Authority within sixty (60) days of the receipt of all

application materials for Project
Development Review with the Authority.

7A.10.1.3 Submittal Requirements. An application for a Conformance Determination or Project Development Review, as applicable, shall be filed with the Authority, which application shall include the following information:

- a. Site Plans.
- b. Project narrative - The application shall include a description of how the proposed project conforms to the Master Development Plan materials, including the reports and studies submitted in support thereof and is otherwise compliant with the standards and requirements set forth in this Article 7A.
- c. Transportation Memorandum - The application shall include a narrative addressing how the traffic anticipated in connection with the phase or component of the development for which review is being sought relates to traffic impact studies submitted and approved in connection with the Master Development Plan.
- d. Drainage Calculations - Stormwater shall be removed from all roofs, canopies and paved areas in a manner complying with applicable stormwater management standards promulgated by the Massachusetts Department of Environmental Protection, as amended from time to time, as well as all storm water design and drainage materials submitted in support of the Master Development Plan. Stormwater drainage runoff calculations used for the drainage system design must be prepared by a Registered Professional Engineer and must support the sizing of all drainage structures and pipes. The report must contain a written summary explaining the rationale of the design so that the Authority can understand the basic design approach and its validity for the site in question.
- e. Fiscal Impact Summary Report - The application shall include a narrative explaining how the phase or component of the development for which approval is sought, together with other development in the MUDD, results in net fiscal benefits.
- f. Design and Performance Standards Narrative - The application shall include a narrative explaining how the phase or component of the development for which a building permit is being sought meets the applicable design and performance

standards set forth in Article 7A.9 above, with references to plans, architectural elevations, sketches, studies, reports, and other supporting materials.

g. Design Review Certificate, if applicable.

7A.10.1.4 Waivers. The Authority may waive the dimensional, parking and loading requirements of this Article 7A if it determines that: (i) the waiver will substantially improve the applicable phase or area of development; (ii) the applicable phase or component of the development satisfies the performance and design standards set forth in this Article 7A; and (iii) the granting of a waiver will not nullify or substantially derogate from the intent or purpose of this Article 7A. A waiver shall not be granted if it would cause the phase or area of development within the MUDD to become materially inconsistent with the approved Master Development Plan materials pursuant to Article 7A.3 of these By-Laws.

7A.10.1.5 Conditional Approval. In the event that the Authority conditions a Conformance Determination or PDR Approval, as applicable, the proponent shall either: (i) withdraw the development proposal; (ii) modify its plans to make them consistent with the Authority's conditions and submit the modified plans to the Zoning Enforcement Officer with a request for a Zoning Compliance Certificate; (iii) seek approval of a modification of the Master Development Plan by the Authority pursuant to Article 7A.10.11, followed by a Conformance Determination for the CDA or a PDR Approval for development outside of the CDA; or (iv) seek a Special Permit for modification of the Master Development Plan pursuant to Article 7A.10.12 of these By-Laws. Additionally, where a Conformance Determination is conditioned, the proponent may, at its option, submit additional materials and undergo full Project Development Review in accordance with Article 7A.10.1.2.

7A.10.1.6 Modifications. The Authority, upon written request of the proponent, may, in its discretion, approve modifications of a Conformance Determination (for the CDA) or PDR Approval (for all other areas and phases within the MUDD) by a majority vote at a public meeting; provided, however, minor adjustments in the location and configuration of the buildings, parking areas, and other site features within an approved development area, shall not require further Authority approval, as long as such adjustments do not materially exceed the approved Gross Floor Area, and would not have the effect of changing the overall character of the applicable portion of the MUDD.

- 7A.10.2 Special Permits. To the extent a Special Permit is required within the MUDD, the following Special Permit procedures shall govern in lieu of the provisions of Article 11.
- 7A.10.2.1 Special Permit Granting Authority. Subject to Article 2.1, the Authority shall act as the Special Permit Granting Authority.
- 7A.10.2.2 Application. An application for a Special Permit shall be filed with the Special Permit Granting Authority. The Special Permit Granting Authority shall hold a public hearing within sixty-five (65) days of the filing date, provided the application is complete, and shall render a decision within ninety (90) days from the date of the close of the public hearing. Failure to take final action within the ninety (90)-day period shall be deemed to be a grant of the Special Permit
- 7A.10.2.3 Decision. Special Permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to NAS South Weymouth, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:
- 7A.10.2.3.1 Social, economic or community needs which are served by the proposal;
 - 7A.10.2.3.2 Traffic flow and safety, including parking and loading;
 - 7A.10.2.3.3 Adequacy of utilities and other public services;
 - 7A.10.2.3.4 Character and aesthetics of surrounding areas;
 - 7A.10.2.3.5 Impacts on the natural environment; and
 - 7A.10.2.3.6 Potential fiscal impact, including impact on tax base and employment.
- 7A.10.2.4 Procedures. An application for a Special Permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority adopted pursuant to Article 7A.10.2.6.
- 7A.10.2.5 Conditions. Special Permits may be granted with such reasonable conditions, safeguards or limitations on time or use, including

performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of these By-Laws.

- 7A.10.2.6 Regulations. The Special Permit Granting Authority may adopt rules and regulations for the administration of this Article 7A.10.2.
- 7A.10.2.7 Fees. The Special Permit Granting Authority may adopt reasonable administrative fees and technical review fees for applications for Special Permits.
- 7A.10.2.8 Lapse. Special Permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within three (3) years following the filing of the Special Permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17 from the grant thereof) with the Authority.
- 7A.10.3 Phased Development. Any development within the MUDD may be constructed in one or more phases, provided that such phased development complies with the requirements of Article 7A.10.1.1, with respect to the CDA, or the requirements of Article 7A.10.1.2 with respect to other phases or areas shown on the Master Development Plan. Upon the granting of a Conformance Determination for the CDA or a PDR Approval for any other phase or development with the MUDD, such phase shall be deemed to be in compliance with the requirements of these By-Laws at the time such finding is made, notwithstanding the status of any other phase of the development and/or any noncompliance of such other phase with the requirements of this Article 7A.
- 7A.10.4 Application of Requirements to Individual Lots. At the proponent's election with respect to all or any portion of the MUDD, the requirements of Article 7A of these By-Laws shall not be applied to the individual lots or ownership units within any phase or area of development within the MUDD, but shall be applied as if the entire plan area (or specified portion(s) thereof) were a single conforming lot, whether or not the same is in single or multiple ownership. Any violation of these By-Laws by an owner or occupant of a single lot or ownership unit or demised premises within any phase or area of development within the MUDD shall not constitute a violation by any other owner or occupant.
- 7A.10.5 Inconsistency. In the event of any conflict or inconsistency between the other provisions of these By-Laws and this Article 7A, the provisions of this Article 7A shall prevail. For the avoidance of doubt, and without limiting the generality of the foregoing, the provisions of Articles 3.1, 3.2, 5.5.A, 5.5.B, 5.5.C, 6 – 7, 8 – 9A, 11 – 13 and 16 of these By-laws shall not apply to the MUDD.
- 7A.10.6 MUDD Regulations. Following adoption of this Article 7A, the Authority shall adopt regulations (or associated plans, guidelines or standards) applicable only

to the MUDD (the “MUDD Regulations”) with respect to subdivision, wetlands and administration of this Article 7A. Any of the other Regulations (or associated plans, guidelines or standards) applicable to zoning districts other than MUDD shall not apply to land within the MUDD. In the event of any conflict between this Article 7A or the MUDD Regulations and any of the Regulations applicable to other zoning districts, this Article 7A and the MUDD Regulations shall govern.

- 7A.10.7 Enforcement. The Zoning Enforcement Officer shall have jurisdiction to enforce compliance with the standards and requirements of a Conformance Determination for the CDA and PDR Approval for any other phase or area of development within the MUDD both before and after construction, and may institute legal proceedings or take such other actions as are necessary to ensure compliance.
- 7A.10.8 Issuance of Building Permit. Following the Authority’s issuance of a Conformance Determination for the CDA or PDR Approval for all other phases and areas of development within the MUDD, the proponent shall submit copies of the Authority’s Conformance Determination or PDR Approval, any plans modified under Article 7A.10.1.5(ii), and accompanying reports to the Zoning Enforcement Officer and, upon receipt, the Zoning Enforcement Officer shall promptly issue a Zoning Compliance Certificate to the applicable building department confirming that the proposed erection, alteration or relocation of the building or structure, and the use and occupancy thereof, conforms to these By-Laws and the MUDD Regulations, and a building permit may thereafter be issued for the approved project, or any individual component thereof, without the need for any further approvals under these By-Laws. Building permits may be sought and issued for individual components of an approved project, and nothing in this Article 7A shall obligate the proponent to construct all or any of the improvements shown on the Master Development Plan.
- 7A.10.9 Transfer of MUDD Approvals. MUDD approval of a project, or any individual portion thereof, may be freely transferred between lots within the MUDD and between owners thereof, provided that the transferee complies with the provisions of this Article 7A.
- 7A.10.10 Post-Construction Development Review. Following completion of construction of any phase or area of development within the MUDD, PDR Approval from the Authority pursuant to Article 7A.10.1.2 shall be required for the following within such MUDD area: (i) construction of any new building greater than 3,000 square feet not previously approved; or (ii) an expansion of an existing building that increases the gross floor area of such building by 10% or more of the approved gross floor area.
- 7A.10.11 Minor Modifications of the Master Development Plan. Once a Master Development Plan has been approved by the Weymouth Town Council and at

Town Meetings of Abington and Rockland, the Authority, upon written request of the proponent, may, in its discretion, approve a minor modification of the Master Development Plan by a majority vote at a public meeting. For purposes of this subsection, a plan modification is “minor” if the changes proposed, considered in the aggregate with all minor modifications previously approved:

- (a) Are consistent with the requirements and standards set forth in this Article 7A and do not have a material adverse effect on the overall design and implementation of the MUDD;
- (b) Do not increase the land area included within the Master Development Plan by more than ten percent (10%); and
- (c) Do not adversely affect the storm water quality of the development.

Minor adjustments in the location and configuration of the buildings, parking areas, and other site features within an approved development area, shall not require further Authority approval, as long as such adjustments are considered de minimis by the Zoning Enforcement Officer and would not have the effect of changing the overall character of the applicable portion of the MUDD.

7A.10.12 Master Development Plan Special Permit. In the event that the Authority determined that a proposed change in the Master Development Plan does not meet the requirements for approval pursuant to Article 7A.10.11, or in the event that the Authority exercised its discretion not to approve a proposed modification pursuant thereto, then the proponent shall have the option of seeking either (A) an amendment of the Master Development Plan at by the Weymouth Town Council and at Town Meetings of Abington and Rockland, or (B) a Special Permit from the Authority for modification of the Master Development Plan authorizing the final development plans to be implemented as proposed. Application for such a Special Permit shall not require site plan review under Article 12. The Authority shall be the special permit granting authority for any such Special Permit.

7A.10.13 Lapse. A Master Development Plan approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within five (5) years following the latest of the dates of approval by each of the Towns. The Authority may extend such approval, for good cause, upon the written request of the proponent. Substantial use, including, without limitation, commencement of site work, pre-construction activities, environmental remediation activities or the issuance of a building permit for construction, of any portion of the approved Master Development Plan shall permanently vest the Master Development Plan (including all phases, if any) and it shall not thereafter lapse for any reason.

7A.10.14 Appeals. Notwithstanding anything set forth in these By-Laws to the contrary, any person aggrieved by a decision granted pursuant to Article 7A may file an appeal in accordance with the provisions of M.G.L. c. 249, § 4.

8. R-1 LOW DENSITY DISTRICT

8.1 Proposed District

The purpose of the R-1 Low Density District (R1) is to accommodate low density single family houses, essential services of a public entity or public or private utility provider and public recreation/open space.

8.2 Non-Applicability of other Provisions of these By-Laws

Neither Building Forms nor the corresponding dimensional, parking and/or loading requirements for such Building Forms shall apply in the R-1 Low Density District. Uses in the R-1 Low Density District shall use Exhibit D, Table of Dimensional Standards, parking and loading requirements for the R-1 Low Density District set forth below in **Section 8.4**.

8.3 Uses

This **Section 8.3** sets forth uses allowed in the R-1 Low Density District (and any applicable permitting requirements). The following provisions shall apply in the R-1 Low Density District:

- A. In the R-1 Low Density District, no building or premises shall be erected, altered or used for any purpose except the following:
 - (1) Single family houses; which are permitted by right;
 - (2) Essential Service of a Public Entity or Public or Private Utility Provider; which are permitted by right;
 - (3) Public Recreation/Open Space; which are permitted by right; and
 - (4) Uses set forth in **Section 8.3(C)**; which are allowed by Special Permit.
- B. Accessory uses in the R-1 Low Density District shall be limited to the following uses; which are permitted by right;
 - (1) Garage space for storage of not more than three automobiles.
 - (2) Parking or storage of one (1) commercial motor vehicle, provided that the permitted commercial motor vehicle is limited to two (2) axle vehicles, and has a rated capacity which does not exceed one (1) ton.

- (3) The sale of produce or plants, provided that the major portion thereof is raised on the premises.
- (4) Major recreational equipment.
- (5) A customary home occupation carried on for gain in the residence of the occupant, provided that there is no display of goods visible from the street, that no nonresident help is employed and that such occupation shall not occupy more than 1/3 of the gross floor area, excluding attic, of the residence or apartment, and provided further that such occupation shall not be carried on in an Out Building.
- (6) A professional home office, provided that no more than one nonresident office or laboratory assistant shall be allowed.
- (7) An accessory home office, carried on for gain in the residence of the occupant, provided that customers, clients or delivery persons coming to the premises are limited to one (1) individual or group of individuals per day, that no nonresident help is employed and that such office shall not occupy more than one-third (1/3) of the gross floor area, excluding attic, of the residence or apartment, and provided further that the office shall not be located in an Out Building.
- (8) A private swimming pool, which shall conform to the appropriate side, front and rear yard requirements of the R-1 Low Density District; provided, however, that any filter and pump shall be located not less than 15 feet from the side yard line. Swimming pools in the R-1 Low Density District shall be surrounded by a permanent enclosure not less than four feet in height.

C. Any of the following uses, or uses customarily accessory thereto, on approval of a Special Permit by the Special Permit Granting Authority, subject to the conditions and requirements of Article 11;

- (1) Funeral home.
- (2) Garage space for or storage of more than three automobiles.
- (3) Noncommercial greenhouse.
- (4) The renting of rooms and/or furnishing of meals limited to three persons not members of the family of the occupant and who are not casual or transient guests.

8.4 Parking and Loading

In the R-1 Low Density District, two spaces for parking shall be provided for a single family house, each having a minimum dimension of 9 feet by 18 feet, located behind the minimum requirement front setback. No spaces for loading are required in the R-1 Low Density District.

9. WATER RESOURCES PROTECTION OVERLAY DISTRICTS

9.1 Intent

The purpose of the Water Resource Overlay Districts is to protect the water quality of surface and ground water and to accomplish the following objectives, while allowing economic development in an environmentally responsible manner:

- (1) to promote the health, safety, and general welfare of the community by ensuring an appropriate level of protection for all water resources within NAS South Weymouth in recognition of the importance of this resource to the region;
- (2) to preserve the high quality of surface and ground water;
- (3) to conserve natural resources wherever possible;
- (4) to promote statewide goals for surface water quality in the South Shore Coastal Drainage Basin and the Weymouth and Weir River Basins; and
- (5) to prevent the temporary or permanent contamination of soils, surface water, and ground water on NAS South Weymouth.

9.2 Establishment: Determination of Boundaries

NAS South Weymouth contains two (2) Water Resources Protection Districts (each an “WRP District” and together the “WRP Districts”):

- (1) Aquifer Protection District - comprised generally of the potential medium and high yield aquifers to the areas east and west of NAS South Weymouth as identified by the Massachusetts Geographic Information Systems. The two isolated medium yield aquifers located in the central area of NAS South Weymouth were removed from the Aquifer Protection District by the Authority on April 10, 2017.
- (2) Wetlands Protection District - comprised generally of wetland areas and areas within 100 feet of a wetland, as wetlands are defined in **M.G.L. c.131, Sections 40 and 40A.**

The WRP Districts are established in accordance with the boundaries shown on the Water Resources Protection Overlay Map which is attached as **Exhibit B** (the “WRP District Map”) and are superimposed over any other district established in these Zoning By-Laws.

The Authority may, from time to time and after public hearing in accordance with **Section 18.3** hereof, alter the boundaries to describe more specifically the areas that contain the resources intended to be protected by inclusion in the WRP District.

9.3 Water Resources Protection Requirements

The requirements in the WRP Districts shall apply to all new construction, reconstruction, or expansion of existing buildings, structures or other improvements and new or expanded uses within the WRP Districts. Activities and uses within the WRP District must comply with the requirements of this Article, as well as the requirements of the underlying zoning district. Uses that are prohibited in the underlying zoning district shall not be permitted in the WRP District.

Consistent with the purpose and objectives of the WRP Districts, the Authority may provide specific requirements which will promote the protection of water resources within NAS South Weymouth.

- A. The Authority may establish in the Regulations detailed protective measures for the WRP Districts, which shall be consistent with the general guidelines provided in this Article.
- B. The Authority shall establish varying levels of protection for each WRP District based on its level of sensitivity.
- C. All proposed land uses and activities at NAS South Weymouth shall be consistent with the requirements of the WRP Districts and all applicable federal, state, and local regulations applying to water resource protection.

9.4 Prohibited Uses

The following uses shall be prohibited in a WRP District:

- A. Sales, storage or transportation of fuel oil, gasoline (or other petroleum-based products) as a principal use.
- B. Any use which involves on-site disposal of process wastes from operations other than personal hygiene and food for residents, patrons and employees.
- C. Landfills and open dumps as defined in **310 CMR 19.006**.
- D. Automobile graveyards and junkyards, as defined in **M.G.L. c.140B, §1**.

- E. Landfills receiving only wastewater and/or septage residuals including those approved by the Department pursuant to **M.G.L. c.21, §26 through 53; M.G.L. c. 111, §17; M.G.L. c.83 §6 and 7**, and regulations promulgated thereunder.
- F. Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. Note, SIC Codes are established by the US Office of Management and Budget and may be determined by referring to the publication entitled “Standard Industrial Classification Manual”, and any other subsequent amendments.
- G. Storage of liquid hazardous materials, as defined in **M.G.L. c.21E**, and/or liquid petroleum products, unless such storage is: (1) above ground level, (2) on an impervious surface, and (3) either
 - (a) in container(s) or above ground tank(s) within a building, or;
 - (b) outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container’s storage capacity, whichever is greater.
- H. Storage of sludge and septage, unless such storage is in compliance with **310 CMR 32.30** and **310 CMR 32.31**.
- I. Storage of deicing chemicals, unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- J. Storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service.
- K. Discharge to the ground of non-sanitary wastewater, including industrial and commercial process waste water, except:
 - (1) treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated ground or surface water and operating in compliance with **314 CMR 5.05(3)** or **5.05(13)**; and
 - (2) publicly owned treatment works.
- L. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the WRP District.
- M. Storage of commercial fertilizers, as defined in **M.G.L. c. 128, §64**, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

9.5 Special Permit Uses

The following uses shall be allowed in a WRP District, only if allowed in the underlying zoning district and granted a special permit by the Special Permit Granting Authority:

- A. Any use involving generation of toxic or hazardous waste materials in uncovered outdoor storage in quantities greater than associated with normal household, office or retail use.
- B. Any storage of hazardous materials with a total quantity equal to or exceeding fifty (50) gallons liquid volume or twenty-five (25) pounds dry weight.
- C. Any use set forth in Section 9.4(A)-(M) above located within the MUDD.

9.6 Special Permit Criteria

The Special Permit Granting Authority shall issue a special permit for a use described in **Section 9.5** within a WRP District only if, in addition to the meeting the requirements set forth in **Article 11** for the grant of a special permit, it also determines that the intent of this Article, as well as the special criteria set forth in this Article, are met. In making such determinations, the Special Permit Granting Authority shall give consideration to the reliability and feasibility of the control measures proposed, and the degree of threat to water quality which would result if the control measures failed. Special permits shall be granted only if the Special Permit Granting Authority determines that groundwater quality, from on-site waste disposal and other on-site operations will not fall below either Federal or State standards for drinking water, or if groundwater quality is already below those standards, on-site disposal, plus natural recharge will result in no further deterioration.

9.7 Submittals

In addition to the requirements of **Article 11**, the following materials shall be submitted with an application for a special permit for development in a WRP District.

- (1) Plans for the management of stormwater.
- (2) A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household, office or retail use, accompanied by a description of measures proposed to protect from vandalism, corrosion, and leakage.
- (3) A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal method, and methods to provide for control of spills.
- (4) Evidence of approval by the Commonwealth of Massachusetts, Department of Environmental Protection, of any industrial waste treatment or disposal system over 15,000 gallons per day capacity.

- (5) For underground storage of toxic or hazardous materials, evidence of qualified professional supervision of system design and installation, with analysis by a professional engineer in sanitary or civil engineering, registered in the Commonwealth of Massachusetts.
- (6) For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a full description of evidence that a closed vapor recovery system shall be installed to prevent discharge of contaminated condensate into the groundwater.

9.8 Definition of Toxic or Hazardous Materials

Toxic or hazardous materials include all substances regulated by **M.G.L. c. 21E** or other municipal, State and Federal environmental, health and safety ordinances, laws, rules and regulations governing the presence, release or threat of release of hazardous wastes, hazardous materials or oil or similar substances (collectively, the “Hazardous Substance Laws”), as such substances are defined in the Hazardous Substances Laws, including without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalines, and include products such as pesticides, herbicides, solvents and thinners in quantities greater than normal household, office or retail uses. Toxic or hazardous materials shall also include any product, waste or combination of substances which, because of its quantity, concentration or physical, chemical, toxic, radioactive or infectious characteristics, poses, in the opinion of the Authority, a substantial present or potential hazard to human health, safety or welfare or the environment when improperly treated, stored, transported, used, disposed of or otherwise managed. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive or infectious materials and all substances deemed as “toxic” or “hazardous” under **M.G.L. c. 21C and 21E**, using the Massachusetts Oil and Hazardous Substance List (310 CMR 40.000).

9A. WEYMOUTH GROUND MOUNTED SOLAR PV OVERLAY DISTRICT

9A.1 Purpose of District

The purpose of the Weymouth Ground Mounted Solar PV Overlay District is to promote the creation of new Large Scale Ground Mounted Solar Photovoltaic Installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this **Section 9A** shall apply to the construction, operation, and/or repair of Large Scale Ground Mounted Solar Photovoltaic Installations.

9A.2 Scope of Authority.

This **Section 9A** applies to Large Scale Ground Mounted Solar Photovoltaic Installations proposed to be constructed. This **Section 9A** also pertains to modifications to such installations that materially alter the type, configuration, or size of these installations or related equipment. In the

Weymouth Ground Mounted Solar PV Overlay District, all requirements of the Weymouth Ground Mounted Solar PV Overlay District shall supersede all requirements of the underlying districts.

9A.3 Certain Additional Definitions.

Large Scale Ground Mounted Solar Photovoltaic Installation - A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted, and has a minimum Rated Nameplate Capacity of 250 kW DC.

9A.4 Rated Nameplate Capacity

The maximum rated output of electric power production of a photovoltaic system in Direct Current (DC).

9A.5 General Requirements for Large Scale Ground Mounted Solar Photovoltaic Installations.

- A. The construction and operation of all Large Scale Ground Mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a Large Scale Ground Mounted Solar Photovoltaic Installation shall be constructed in accordance with the Massachusetts State Building Code.
- B. No Large Scale Ground Mounted Solar Photovoltaic Installation shall be constructed, installed or modified as provided in this Section 9A without first obtaining an approval of a site plan and a building permit.
- C. The application for a building permit for a Large Scale Ground Mounted Solar Photovoltaic Installation must be accompanied by the fee required for a building permit.

9A.6 Site Plan Review

Large Scale Ground Mounted Solar Photovoltaic Installations shall undergo site plan review prior to construction, installation or modification as provided in this Section 9A and Section 11.

- A. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts.
- B. Required Documents. In addition to any items required by the Regulations for Site Plan Review, the project proponent shall provide the following documents:
 - 1. A site plan showing:
 - [1] Property lines and physical features, including roads, for the project site;

[2] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

[3] Blueprints or drawings of the Large Scale Ground Mounted Solar Photovoltaic Installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

[4] One line or three line electrical diagrams detailing the Large Scale Ground Mounted Solar Photovoltaic Installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;

[5] Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

[6] Name, address, and contact information for proposed system installer;

[7] Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

[8] The name, contact information and signature of any agents representing the project proponent;

2. Zoning district designation for the parcel(s) of land comprising the project site.
3. Proof of liability insurance.
4. A fully inclusive written estimate of the costs associated with decommissioning and removal of equipment, reclamation of the site including the re-landscape prepared by a registered professional engineer skilled and experienced in the estimation of the decommissioning cost of such an installation. The amount shall include a written estimate of the projected inflation of the decommissioning cost and an explanation of the basis for calculating the increased removal costs due to inflation.
5. Description of financial surety that satisfies **Section 9A.15**.
6. The Permit Granting Authority may waive documentary requirements as it deems appropriate.

9A.7 Site Control.

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed Large Scale Ground Mounted Solar Photovoltaic Installation.

9A.8 Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the Large Scale Ground Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, storm water controls, lighting as well as general procedures for operational maintenance of the installation.

9A.9 Utility Notification

No Large Scale Ground Mounted Solar Photovoltaic Installation shall be constructed until written proof has been submitted to the Permit Granting Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the Large Scale Ground Mounted Solar Photovoltaic Installation owner's or operator's intent to install an interconnected customer- owned generator on the site. Off-grid systems shall be exempt from this requirement.

9A.10 Dimension and Density Requirements

- A. Setbacks. For Large Scale Ground Mounted Solar Photovoltaic Installations, front, side and rear setbacks shall be as follows:
1. Front Yard: The front yard depth shall be at least twenty-five feet.
 2. Side Yard: Each side yard shall have a depth at least fifteen feet; except where the lot is in a residential district or abuts a residential district, the side yard shall not be less than twenty-five feet.
 3. Rear Yard: The rear yard depth shall be at least fifteen feet; except where the lot is in a residential district or abuts a residential district, the rear yard shall not be less than twenty-five feet.
- B. Appurtenant Structures. All appurtenant structures to Large Scale Ground Mounted Solar Photovoltaic Installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, battery storage facilities, transformers, and substations, shall be architecturally compatible with each other. Structures should be screened and shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

9A.11 Design Standards

- A. Lighting. Lighting of Large Scale Ground Mounted Solar Photovoltaic Installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties and designed so as to limit to the extent practical the light emanating from the site onto abutting properties. Where feasible, lighting of the Large Scale Ground Mounted Solar Photovoltaic Installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- B. Signage.
1. Signs on Large Scale Ground Mounted Solar Photovoltaic Installations shall comply with the provisions of these By- Laws and the Regulations governing signs. A sign consistent with these By-Laws and the Regulations shall be required to identify the owner and provide a 24-hour emergency contact phone number.
 2. Large Scale Ground Mounted Solar Photovoltaic Installations shall not be arranged or used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Large Scale Ground Mounted Solar Photovoltaic Installation.
- C. Utility Connections. Reasonable efforts, as determined by the Permit Granting Authority, shall be made to place all utility connections from the Large Scale Ground Mounted Solar Photovoltaic Installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- D. Controlled Access. Fencing shall be installed to prevent unauthorized access to the entire installation including solar panels, appurtenant structures, equipment shelters, storage facilities, transformers, and substations, and the like. A copy of the key to access the installation or an alternate access arrangement shall be provided to the Weymouth Police and Fire Departments for emergency purposes.

9A.12 Safety and Environmental Standards

- A. Emergency Services. The Large Scale Ground Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, emergency response plan and site plan to the Weymouth Fire Department at the same time as the application is submitted to the Permit Granting Authority and the Weymouth Fire Department shall be afforded the opportunity to comment on the proposed project prior to any approval by the Permit Granting Authority. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Large Scale Ground Mounted Solar Photovoltaic Installation

shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

- B. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large Scale Ground Mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and bylaws.

9A.13 Monitoring and Maintenance

- A. Large Scale Ground Mounted Solar Photovoltaic Installation Conditions. The Large Scale Ground Mounted Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Zoning Enforcement Officer. The owner or operator shall be responsible for the cost of maintaining the Large Scale Ground Mounted Solar Photovoltaic Installation and any access road(s), unless accepted as a public way.
- B. Modifications. All modifications to a Large Scale Ground Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Permit Granting Authority.

9A.14 Abandonment or Decommissioning

- A. Removal Requirements. Any Large Scale Ground Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Zoning Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal not less than 30 days prior to the date projected for removal. The owner or operator shall obtain a demolition permit from the Permit Granting Authority prior to the removal. The decommissioning shall consist of:
 1. Physical removal of all Large Scale Ground Mounted Solar Photovoltaic Installations, structures, equipment, security barriers and transmission lines from the site.
 2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Permit Granting Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

9A.15 Abandonment.

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Large Scale Ground Mounted Solar Photovoltaic Installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Zoning Enforcement Officer. If the owner or operator of the Large Scale Ground Mounted Solar Photovoltaic Installation fails to remove the installation in accordance with the requirements of this **Section 9A** within 150 days of abandonment or the proposed date of decommissioning, the Permit Granting Authority may enter the property and physically remove the installation at the cost and expense of the owner and operator and the cost and expense thereof shall be paid by the owner and/or operator together with any and all legal cost and expenses associated with recovering the cost and expenses.

9A.16 Financial Surety

The operator of a Large Scale Ground Mounted Solar Photovoltaic Installation shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Permit Granting Authority must remove the installation and remediate the landscape, in an amount and form determined by the Permit Granting Authority and approved by the Authority. Such surety will not be required for municipally or state-owned facilities.

10. WIRELESS COMMUNICATIONS

10.1 Definitions

The following definitions are used in this Article with respect to Wireless Communications.

Wireless Communication, Freestanding Structure - Wireless communication structures including: satellite dishes over three (3) feet in diameter, monopoles, lattice towers or any other similar freestanding structure.

Wireless Communication, Building Mounted Equipment - Wireless communication equipment mounted on a building including, but not necessarily limited to: any equipment, antenna, satellite dishes over three (3) feet in diameter, panel, fixtures and protective covering mounted on, erected, or supported in whole or in part by an existing building or structure, including but not necessarily limited to buildings, smoke stacks and the like, occupied and/or used primarily for any other purpose.

Wireless Communication, Indoor Equipment - Indoor wireless communication equipment including, but not necessarily limited to: any equipment antenna, panel, fixture and protective covering mounted inside, or supported within an existing building or structure, including but not necessarily limited to buildings, cupolas, church spires, inactive smoke stacks and the like, occupied and/or used primarily for any other purpose.

Wireless Communication, Accessory Equipment - Wireless communication equipment customarily incidental to a permitted principal use, including, but not necessarily limited to: any equipment, antenna, satellite dishes over three (3) feet in diameter, panel, fixtures and protective covering

located on the same lot with and customary and incidental to the use of the lot on which the equipment is located.

10.2 Wireless Communication Equipment

- A. The purposes of this Article include: minimizing adverse impacts of wireless communications facilities, satellite dishes and antennas on adjacent properties and residential neighborhoods; minimizing the overall number and height of such facilities; and promoting shared use of existing facilities to reduce the need for new facilities. This **Article 10** is intended to set standards for regulating all wireless communication uses, including principal and accessory uses, other than those specifically exempted pursuant to **Section 10.2.F**.
- B. Wireless communication equipment shall be permitted as set forth in **Exhibit C**, the Table of Permitted Uses.
- C. The following information shall be supplemental to normal application criteria and submitted with each special permit and site plan review application for wireless communication equipment:
 - (1) A locus plan at a scale of 1" = 200' which shall show all property lines, the exact location of the proposed structures, streets, landscape features, residential dwellings and all buildings within (300) feet of the facility.
 - (2) A color photograph or rendition of the proposed monopole with its antenna and/or panels. For satellite dishes or residential antenna, a color photograph or rendition illustrating the dish at the proposed location is required. A rendition shall also be prepared illustrating a view of the monopole dish or antenna from the nearest street or streets.
 - (3) The following information prepared by one or more professional engineers:
 - (a) A description of the monopole and the technical, economic and other reasons for the proposed location, height and design.
 - (b) Confirmation that the monopole complies with all applicable Federal and State standards.
 - (c) A description of the capacity of the monopole including the number and type of panels, antenna and/or transmitter receivers that it can accommodate and the basis for these calculations.
 - (4) A signed affidavit by the applicant that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Corporation and the Massachusetts Department of Public Health.

- (5) A signed affidavit by the applicant listing all wireless communication equipment located within a one-half (1/2) mile radius of the proposed site and the availability of space at each location.
- D. The following general requirements shall apply to all wireless communication equipment:
- (1) No wireless communications facility, which shall include monopoles, satellite dishes over three (3) feet in diameter or antenna, shall be erected or installed except in compliance with the provisions of this **Article 10**.
 - (2) Any proposed extension in the height or the replacement of a facility, shall be subject to a new application for a site plan review or special permit, as indicated in the Table of Permitted Uses.
 - (3) The Zoning Enforcement Officer shall review petitions for the addition of cells, antenna or panels to any lawfully permitted existing wireless communication monopole or tower and shall allow such without a new hearing provided such additions comply with the intent and criteria of this **Section 10.2** and the conditions of approval of any applicable special permit.
 - (4) Only free-standing monopoles, with associated antenna and/or panels, are allowed. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.
 - (5) Wireless communication monopoles and associated facilities shall be suitably screened from abutters and from residential neighborhoods.
 - (6) If applicable, annual certifications demonstrating continuing compliance with the standards of the FCC, FAA and the American National Standards Institute (ANSI) and required maintenance shall be filed with the Zoning Enforcement Officer by the special permit holder.
 - (7) Wireless communication structures and equipment shall be removed within one (1) year of cessation of use.
 - (8) Financial surety. The operator of a wireless communications facility shall provide a form of surety, either through escrow account, bond, or otherwise, to cover the cost of removal in the event the Permit Granting Authority must remove the installation and remediate the landscape, in an amount and form determined by the Permit Granting Authority. Such surety will not be required municipally or state-owned facilities.
- E. The following design criteria shall be used when preparing plans for the siting and construction of all wireless communications facilities.

- (1) All monopoles shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use. All monopoles shall be set back from all residential zoning district boundaries by a distance at least equal to two times the height of the monopole. No monopole shall be placed closer than five hundred (500) feet from another freestanding wireless communication structure.
- (2) No monopole or attached accessory antenna on a monopole shall exceed one hundred twenty (120) feet in height as measured from natural ground level at the base of the pole. No monopole shall be constructed which requires guy wires. Monopoles shall not be located on buildings.
- (3) Antenna, dishes and all other equipment located on any structure shall not exceed ten (10) feet above the height of the structure.
- (4) All wireless communications facilities shall be sited in such a manner that the view of the facility from Abutters, residential neighbors and other areas of the Towns and of Hingham shall be as limited as possible. All monopoles and dishes shall be painted or otherwise colored so they will blend in with the landscape or the structure on which they are located. The Special Permit Granting Authority or Zoning Enforcement Officer may require different coloring schemes to be used to blend the structure with the landscape below and above the tree or building line.
- (5) Satellite dishes and/or antenna shall be situated on or attached to a structure in such a manner that they are screened, and preferably shall not be visible from streets or properties in the vicinity. Free standing dishes or antenna shall be located in such a manner as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.
- (6) Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities that will be required to be located within the town.
- (7) Fencing shall be provided to control access to freestanding wireless communications facilities, shall be compatible with the scenic character of the Town and shall not be of razor wire.
- (8) All freestanding wireless communications structures shall have no signs, except for directional signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a 24 hour basis. All signs shall conform to the applicable sign regulations of these By-Laws.

- (9) Night lighting of towers shall be prohibited, except as required by any applicable FAA regulation or approval.
 - (10) There shall be a minimum of one (1) parking space for each facility.
- F. The following types of wireless communications towers and equipment are exempt from the provisions of this Article:
- (1) **Amateur Radio Tower.** An amateur radio tower, defined as a tower used solely in accordance with the terms of amateur radio service license(s) issued by the FCC to members of the family residing on the premises and not used or licensed for any commercial purpose.
 - (2) Installation of any antenna, panels or similar equipment on a lawfully permitted freestanding wireless communication tower, provided all such additional equipment conforms to the conditions of the existing permit.
 - (3) A tower erected to provide communication between farm vehicles and/or farm units incidental to use of land for farming. Except for amateur radio use as permitted in this Article, the use of such a tower under this exception may not be combined with any other use.
 - (4) A tower or antenna erected by the Authority or any of the Towns for municipal public safety communication purposes.
 - (5) Wireless communications towers and equipment located in the MUDD or OSD.

11. SPECIAL PERMITS

11.1 Applicability

A special permit shall be required to develop, occupy, and operate any use indicated on the “Table of Permitted Uses” (See **Article 5** and **Exhibit C**) as allowable only by the granting of a special permit and for certain minor modifications of a Development Plan under **Section 13.7** hereof. Proponents of land uses permitted only by the granting of a special permit shall file a special permit application with the Special Permit Granting Authority. An application for site plan review (as required by **Article 12**) shall be filed concurrently, to the extent feasible, and shall be reviewed simultaneously by the Special Permit Granting Authority.

11.2 Special Permit Granting Authority

- A. The Authority shall have the authority to grant or deny Special Permits. As used in these By-Laws, the term “Special Permit Granting Authority” shall mean the Authority for Special Permits.

- B. The Authority shall adopt and from time to time adopt and/or amend regulations relative to the issuance of Special Permits, which shall be included within the Regulations adopted pursuant to **Section 1.4C**.
- C. The grant of a special permit by the Authority shall require the affirmative vote of five (5) directors of the Authority.

11.3 Uses Allowed Only by Special Permit Are Also Subject to Site Plan Review

Those uses or classes of uses that are permitted only by the granting of a special permit (as set forth in **Article 5**, the Table of Permitted Uses in **Exhibit C** or **Article 9**) shall also automatically be subject to site plan review. The purpose of special permit review coupled with site plan review is to allow for a thorough review of a project which, due to its use, nature, and/or size, may have significant impacts upon neighboring areas.

The Special Permit Granting Authority shall be the granting authority for both special permits and related site plan reviews required pursuant to this Section (except as provided in **Article 12**). For purposes of efficiency and streamlining of project review, and to promote a review based on the most complete and comprehensive information available, it is intended that proponents of special permit uses should file applications for both the special permit and the required site plan review simultaneously, to the extent feasible, and that the Special Permit Granting Authority will review the applications simultaneously. The joint special permit and site plan review filings shall include all materials required for both special permit application (**Article 11**) and for site plan review application (**Article 12**), and such additional materials as may be required by **Article 9**.

The joint special permit and site plan review shall follow the procedural provisions established for special permits under **M.G.L. c. 40A, Sections 9 and 11** with respect to review, public hearing and notice, and timeline for decisions. It is intended that there shall be a single timeline for review, public hearing and notice, and action on the special permit and the site plan review.

11.4 Application and Review Procedure

The following procedures apply to each application for a Special Permit:

- A. An application for a Special Permit shall be made to the Special Permit Granting Authority. The specific requirements with respect to the application shall be set forth in the Regulations.
- B. The Town Boards are invited to attend and offer testimony at any public hearings scheduled by the Authority 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.
- C. The Authority is invited to attend and offer testimony at any public hearings scheduled by the Applicable Town Board to consider an application for a Special Permit. Within thirty (30) days of receipt of a Special Permit application, the

Authority may submit to the Applicable Town Board its written comments concerning the proposed project, accompanied by a listing of its concerns and issues regarding the application.

11.5 Special Permit Standards and Criteria

The Special Permit Granting Authority, in reviewing an application for a Special Permit, shall take into account any previously-issued approval of an applicable Development Plan and shall not require duplicative information to be provided with respect to any matter already determined in the Development Plan approval unless the proponent has requested a modification of the Development Plan. All standards and criteria that have been addressed in the issuance of the 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. The Special Permit Granting Authority shall review a special permit application under the following standards and criteria, and any provisions set forth in the Regulations, as related to the proposed use and development program (including the facility(-ies), structure(s), and building(s)):

- A. General Function and Quality of Use and Development. The proposed use and development should enhance the built and natural environment by providing for effective use of site topography in the siting of buildings and other facilities and in the placement of landscaping, signage, and illumination.
- B. Prohibition of Adverse Environmental Impacts. The proposed use or development shall not constitute or impose an adverse impact on the surrounding area, including impacts resulting from:
 - Excessive noise, level of illumination, glare, dust, smoke, or vibration;
 - Emission of noxious or hazardous materials or substances;
 - Pollution of waterways or ground water; or
 - Transmission of electromagnetic signals or creation of magnetic fields that interfere with radio or television reception.
- C. Compliance with Zoning Standards. The proposed use and development shall comply fully with these By-Laws and the Regulations, including all applicable zoning requirements (use, density, locational, dimensional, and design standards), including the specific standards of the zoning district(s) in which the use and/or development is to be located, except to the extent that a variance has been obtained pursuant to **Section 15.3**.
- D. Circulation System.
 - The proposed circulation patterns for motor vehicles, bicycles and pedestrians provide for safe and adequate ingress and egress, and will not result in

conditions that create traffic congestion, hazard, inconvenience, or undue potential for traffic accidents on the site or in the surrounding area.

- The Special Permit Granting Authority may regulate the number, size, design, and locations of site access drives or other transportation features so as to ensure compliance with the above standards.

E. Parking and Loading Areas.

- The proposed location and design of parking and loading areas to service the proposed use and development are appropriate and functional.
- The Special Permit Granting Authority may require screening or buffering of parking and/or loading areas to a higher standard when: parking/loading areas are visible from the street or a residential use; parking/loading areas are in close proximity to and have potential for negative impact on a non-residential use; or the proposed development includes a greater number of parking spaces than the minimum required parking spaces established in these By-Laws.

F. Stormwater Management and Drainage. The proposed use and development shall include systems for the adequate management of stormwater runoff from the site so as to provide:

- An appropriate level of recharge of storm water,
- Mechanisms for maintenance of water quality, and
- Mechanisms for prevention of drainage impacts upon off-site areas that will receive site discharge.

The proposed use and development shall also conform to the Stormwater Management Policy promulgated by the Massachusetts Department of Environmental Protection and the United States Environmental Protection Agency.

G. Protection of Infrastructure Corridors. The proposed use and development shall not adversely impact the transportation, utility, drainage, or other infrastructure system corridors within NAS South Weymouth, including both existing and planned roadway/infrastructure system corridors.

H. Consistency with Approved Development Plan (if applicable). For a use subject to Development Plan Review which has become an as-of-right use upon approval of an applicable Development Plan (subject to site plan review under **Article 12**), the proposed use and development shall be in conformity in all material respects to the Development Plan approved by the Special Permit Granting Authority.

11.6 Findings and Determinations for Granting of Special Permits

The Special Permit Granting Authority, in reviewing an application for a Special Permit, 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 proponent has requested a modification of the Development Plan. The Special Permit Granting Authority may grant a special permit only upon making the following findings and determinations as related to the proposed use and development program (including the facility(-ies), structure(s), building(s) and improvements):

- A. Application and Information Supplied is Complete. The special permit application is complete and contains all information required and necessary to make the findings and determinations set forth below.
- B. Consistency with Purposes.
 - The proposed use and development are consistent with the general purposes of these By-Laws.
 - The proposed use and development are consistent with the applicable purposes and objectives set forth in the various Articles of these By-Laws and the Regulations with respect to the zoning district(s) in which the proposed use and development are to be located.
- C. Compliance with Standards for Special Permits.
 - The proposed use and development comply fully with the special permit standards and criteria set forth in this **Article 11** (and in **Article 9** where applicable) and in the Regulations.
 - The Special Permit Granting Authority may impose conditions and/or safeguards to adequately ensure that the proposed use/development shall operate or continue to operate in conformity with required special permit standards and criteria.
- D. Compliance with Zoning Standards. The proposed use and development comply fully with these By-Laws and the Regulations, including all applicable zoning requirements (use, density, locational, dimensional, and design standards), including the specific standards of the zoning district(s) in which the use/development are to be located, except to the extent that a variance has been obtained pursuant to **Section 15.3**.
- E. Site and Area Compatibility. The proposed use and development are part of a development program and plan that is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the built environment and surrounding natural areas, including adjacent land uses.

- F. Occupancy and Operations of Use. The Special Permit Granting Authority may limit the occupancy and method or time of operation of a proposed use and development, so as to minimize any adverse impacts on the surrounding area.
- G. Modification of Density of Use. Upon a finding that a proposed use and/or development has potential to adversely impact the area surrounding its site due to its size or density, including the selection of Building Forms, the Special Permit Granting Authority may require modification to the size of the proposed use, structure, building or other improvements or the selection of different Building Forms. The Special Permit Granting Authority shall document in writing its findings of project impacts and the reasons for requiring modification or reduction in the size or density of the development.
- H. Orientation of Vehicular/Pedestrian Access Ways and Ground Floor Uses. The Special Permit Granting Authority shall consider the context of the project site in terms of its locational attributes and the nature of abutting land uses, and establish the degree of compatibility of proposed use(s) with adjacent existing or approved uses. In order to promote the establishment of a functional relationship with the adjacent streets, pedestrian ways, and/or neighboring land uses, the Special Permit Granting Authority may require that the proposed vehicular and pedestrian access ways and/or the uses and occupancies of the ground floor of a building be physically situated and oriented to face adjacent streets or pedestrian ways. Where such a requirement is imposed as a condition to the grant of a special permit, the Special Permit Granting Authority shall make a finding that promoting a relationship and connection between the proposed and existing adjacent uses would have desirable effects on the character of the district or area.
- I. Signage. The Special Permit Granting Authority shall stipulate the location of and establish controls for the lighting of free-standing signs and any other allowable sign that would be visible from a residential use, such stipulation to be in accordance with the provisions of the Regulations applicable to signs.
- J. Consistency with Approved Development Plan (if applicable). The proposed use and development are consistent in all material respects with any Development Plan for the site approved by the Special Permit Granting Authority. A minor modification of a Development Plan for a use comprising a portion of a Planned Development that requires the grant of a special permit under this Article may be granted by the Special Permit Granting Authority as part of such special permit grant (see Section 13.7).
- K. Documentation of Findings. In cases where the Special Permit Granting Authority finds the need to require alteration or modification of a proposed use, structure, building, or other development under the standards and criteria of this Article, the Special Permit Granting Authority shall document in writing its findings of project impacts and the reasons for requiring alteration or modification of the proposed development.

11.7 Effective Date of Special Permit

The Special Permit Granting 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, copies of which shall be filed within fourteen (14) days after the close of the public hearing (a) if the Authority is the Special Permit Granting Authority, with the official records of the Authority and in the office of each Town Clerk, or (b) if the Applicable Town Board is the Special Permit Granting Authority, with the official records of the Authority and in the office of the Town Clerk for the Town in which the Property is located, and shall be deemed a public record. 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** and shall be filed within twenty (20) days after the effective date of the grant or denial of the permit, which is (a) the date of filing of such notice with the offices of each Town Clerk if the Authority is the Special Permit Granting Authority and (b) the date of filing of such notice with the applicable Town Clerk if the Applicable Town Board is the Special Permit Granting Authority. An appeal brought pursuant to **Section 15.6** shall be brought within the time periods set forth in **Section 15.6**.

11.8 Lapse of Special Permits

A special permit granted under these By-Laws shall lapse if a substantial use thereof has not commenced, or in the case of a special permit for construction, construction has not begun, within two years of the effective date of the Special Permit, unless extended by the Special Permit Granting Authority, pursuant to an application filed no more than one hundred and twenty (120) days before the expiration of the special permit and no fewer than sixty (60) days before such expiration.

11.9 Repetitive Petitions

If an application for a special permit is denied by the Special Permit Granting Authority, no repeat application may be filed within two (2) years after the date of such unfavorable decision, except with the written consent of the Special Permit Granting Authority.

11.10 Large and Complicated Projects

If a proposed development includes more than one use for which a special permit is required, the Applicant is encouraged to file one combined special permit application and one site plan review application for all such uses, to the extent feasible.

12. SITE PLAN REVIEW

12.1 Applicability

Site plan review shall not be applicable to the R-1 Low Density District, the Mixed Use Development District or the Open Space District and developments within the R-1 Low Density District, the Mixed Use Development District and the Open Space District shall not be subject to the requirements of this Article. Except for uses in the R-1 Low Density District, the Mixed Use

Development District and the Open Space District, site plan review shall be required to develop, occupy, and operate any use indicated on the “Table of Permitted Uses” (See **Article 5** and **Exhibit C**) (a) as allowable, (b) as allowable only by the granting of a special permit or (c) as allowable only following approval of a Development Plan. For purposes of efficiency and streamlining of project review, and to promote a review based on the most complete and comprehensive information available, proponents of site plan approvals may file applications for both the required site plan review and any other approval needed under **Articles 11 (special permits) and 13 (Development Plans)** simultaneously, and the Special Permit Granting Authority or Permit Granting Authority (as applicable) shall review such combined applications simultaneously.

12.2 Review Authority

- A. Permit Granting Authority. Except as provided in **Sections 11.3** and **12.2B** hereof, the Authority shall be the review authority for site plan review. The Authority shall adopt rules and regulations governing the procedural and submission requirements for site plan review and for the administration of the provisions of this Article, which shall be set forth in the Regulations adopted pursuant to **Section 1.4C**.
- B. Zoning Enforcement Officer as Review Authority. The Zoning Enforcement Officer shall be the review authority for site plan review if (1) the proposed Development is a Planned Development, or portion thereof, for which a Development Plan previously has been approved, (2) the proposed Development is consistent in all material respects with the approved Development Plan, and (3) the Development contains less than 100 Dwelling Units or less than 100,000 square feet of Gross Floor Area of commercial development. The Zoning Enforcement Officer shall apply any rules and regulations adopted by the Authority governing the procedural and submission requirements for site plan review and for the administration of the provisions of this Article, which are set forth in the Regulations. Wherever these By-Laws refer to the Permit Granting Authority for site plan review, such term shall be deemed to include the Zoning Enforcement Officer under the terms of this **Section 12.2B**.
- C. Where the Authority is the review authority for site plan approval, the grant of site plan approval by the Authority shall require the affirmative vote of four (4) directors of the Authority.

12.3 Site Plan Review Application Submission Requirements

The Regulations established pursuant to **Section 1.4C** shall include rules and regulations for site plan review, including but not limited to the procedures for site plan application. A site plan application shall include the submission materials and information as required by the Regulations. A site plan application shall not be submitted until it is fully complete with respect to such requirements so as to enable proper consideration of the proposed development and allow for a final action on the site plan.

12.4 Review, Public Hearing and Timeline for Action

Within thirty (30) days after the receipt of a properly submitted site plan application, the Permit Granting Authority shall conduct a site plan review, for which notice shall be given to the applicant and by posting with the Authority and the Town Clerk for the Town in which the project site is located not less than seven (7) days prior to the meeting for the site plan review. Within thirty-five (35) days after the completion of site plan review which may take place in one or more sessions of the Permit Granting Authority meetings, the Permit Granting Authority shall render its decision on the application and file its decision (a) if the Authority is the Permit Granting Authority, with the official records of the Authority and in the office of each Town Clerk, or (b) if the Applicable Town Board is the Permit Granting Authority, with the official records of the Authority and in the office of the Town Clerk for the Town in which the Property is located, and shall be deemed a public record. 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** and shall be filed within twenty (20) days after the effective date of the grant or denial of the site plan review, which is (a) the date of filing of such notice with the offices of each Town Clerk if the Authority is the Permit Granting Authority and (b) the date of filing of such notice with the applicable Town Clerk if the Applicable Town Board is the Permit Granting Authority. An appeal brought pursuant to **Section 15.6** shall be brought within the time periods set forth in **Section 15.6**.

12.5 Site Plan Review Standards and Criteria

The Permit Granting Authority, in reviewing an application for site plan approval, shall take into account any previously-issued approval of an applicable Development Plan and shall not require the provision of duplicative information or reconsider any matter already determined in a Development Plan decision unless the proponent has requested a modification of the Development Plan. The Permit Granting Authority shall review a site plan application under the following standards and criteria, and shall approve the site plan only upon a finding of compliance with all the standards and criteria:

- A. General Function and Quality of Use and Development. The proposed site development provides for effective use of site topography in the siting of buildings and other facilities and in the placement of landscaping, signage, and illumination.
- B. Compliance with Zoning Standards. The proposed site development complies fully with these By-Laws and the Regulations, including all applicable zoning standards (locational, dimensional, design, signage and landscaping standards), including the specific standards of the zoning district(s) in which the development is located, except to the extent a variance has been obtained pursuant to **Section 15.3**.
- C. Circulation System. The proposed circulation patterns for motor vehicles, bicycles and pedestrians provide for safe and adequate ingress and egress, and will not result in conditions that create traffic congestion, hazard, inconvenience, or undue potential for traffic accidents on the site or in the immediately surrounding area. The Permit Granting Authority may regulate the number, size, design, and locations

of site access drives or other transportation features so as to ensure compliance with the above.

- D. Parking and Loading Areas. The proposed location and design of parking and loading areas to service the proposed development is appropriate and functional. The Permit Granting Authority may require screening or buffering of parking and/or loading areas to a higher standard when: parking/loading areas are visible from the street or a residential use; parking/loading areas are in close proximity to and have potential for negative impact on a non-residential use; or the proposed development includes a greater number of parking spaces than the minimum required parking spaces established in these By-Laws.
- E. Stormwater Management and Drainage. The proposed site development includes systems for the adequate management of stormwater runoff from the site in conformance with any standards set forth in the Regulations and with the Stormwater Management Policy promulgated by the Massachusetts Department of Environmental Protection and the United States Environmental Protection Agency.
- F. Consistency with Approved Development Plan (if applicable). For a use subject to Development Plan Review which has become an as-of-right use upon approval of an applicable Development Plan (subject to site plan approval under this **Article 12**), the proposed site development is in conformity in all material respects with the Development Plan approved by the Special Permit Granting Authority.

In approving a site plan, the Permit Granting Authority may impose conditions and/or safeguards to adequately ensure that the proposed site development will be implemented and operate or continue to operate in conformity with the above standards and criteria.

12.6 Amendments to Approved Site Plan

A. Major Plan Changes

(1) Applicability

The following changes to a site plan (after final approval has been granted) shall be classified as major plan changes and shall be subject to review and approval by the Permit Granting Authority:

- Increases in project size or building area.
- Changes to principal uses that affect a dimensional or parking standard, and changes to accessory uses that significantly affect a dimensional or parking standard.
- Significant changes to building envelope or other site design features (change in approach to drainage system design/construction, change in location of site access, change in location of parking areas, etc.).

- Change to any site feature that was required to be implemented as a specific condition of the site plan approval.

(2) Procedure

The Regulations shall set forth the procedure for submitting major plan changes to the Permit Granting Authority for review and approval.

B. Minor Plan Changes

(1) Applicability

All other changes to a site plan (after final approval has been granted) shall be classified as minor plan changes.

(2) Procedure

The Regulations shall set forth the procedure for submitting minor plan changes to the Permit Granting Authority, or its designee, for review and approval.

12.7 Lapse of Site Plan Approval

- A. Site Plan Approval with Accompanying Special Permit. In the event of a lapse of a special permit granted under these By-Laws pursuant to **Section 11.8** hereof, any accompanying approval of a site plan granted under this Article shall also lapse.
- B. Site Plan Approval without Accompanying Special Permit. An approval of a site plan granted under these By-Laws shall lapse if construction has not begun within two years of the effective date of the approval, unless extended by the Permit Granting Authority, pursuant to an application filed no more than one hundred and twenty (120) days before the expiration of the approval and no fewer than sixty (60) days before such expiration.

13. DEVELOPMENT PLAN REVIEW

13.1 Purpose

The purpose of this Article is to provide for a comprehensive review process for Planned Developments (as hereinafter defined) which, due to their size, will have significant impacts upon the redevelopment of NAS South Weymouth. Development Plan Review under this Article requires an overall review of each component of the development comprising a Planned Development at the same time, and is intended to ensure that the proposed use(s) and development program of Planned Developments will be in conformity with these By-Laws and consistent with the goals and objectives of the By-Laws.

13.2 Applicability

- A. The following Developments shall be considered “Planned Developments” subject to the provisions of this Article:
- (1) any Development containing in excess of 4,000 square feet of Gross Floor Area of Commercial Use;
 - (2) any Development containing five (5) or more Dwelling Units;
 - (3) any Development affecting five (5) or more acres of land;
 - (4) any Development requiring ten (10) or more parking spaces; and
 - (5) any Development requiring the Subdivision of two (2) or more lots.
- B. Notwithstanding the provisions of **Section 13.2A**, Developments within the Mixed Use Development District, or within the R-1 Low Density District shall not be considered Planned Developments and shall not be subject to the requirements of this Article.
- C. The proponents of a Planned Development subject to compliance with this Article, shall file a development plan as described in **Section 13.4** hereof (a “Development Plan”) with the Special Permit Granting Authority conforming with all of the requirements of this Article. No use(s) comprising any portion of a Planned Development subject to compliance with this Article shall be permitted and no development thereof may occur except in conformity with (i) a Development Plan approved by the Special Permit Granting Authority under this Article and (ii) any special permits required for such use(s) under **Article 11** hereof or a site plan approval required under **Article 12** hereof, as applicable. The approval of a Development Plan under this Article shall be a pre-requisite to the filing of any applications for special permits required under **Article 11** hereof or for site plan approval required under **Article 12** hereof, as applicable, for any use(s) comprising any portion of a Planned Development; provided, however, for purposes of efficiency and streamlining of project review, proponents of a Development Plan containing uses requiring the issuance of special permit(s) under **Article 11** or site plan approval under **Article 12** may file applications for such special permits or site plan approval simultaneously with the proposed Development Plan, and the Special Permit Granting Authority will review the applications simultaneously. The joint special permit or site plan approval and Development Plan filings shall include all materials required for both special permit applications under **Article 11** (and **Article 9** if applicable) and site plan approval applications under **Article 12**, as applicable, and for review of a Development Plan under this **Article 13**.
- D. Developments shall not be segmented or phased in a manner to avoid compliance with this Article.

13.3 Review Authority

- A. The Authority shall have the authority to approve or deny a Development Plan. As used in this By-Law, the term “Special Permit Granting Authority” shall mean the Authority for Development Plans.
- B. The Authority shall adopt and from time to time amend regulations relative to the review and approval of Development Plans, which shall be included within the Regulations adopted pursuant to **Section 1.4C**.
- C. The approval of a Development Plan by the Authority shall require the affirmative vote of five (5) directors of the Authority.
- D. The review of a Development Plan shall follow the procedural provisions established for special permits under **M.G.L. c. 40A, Sections 9 and 11** with respect to review, public hearing and notice, and timeline for decisions.

13.4 Application and Review Procedure

The following procedures shall apply to the review and approval of each Development Plan:

- A. The proponent of each Planned Development shall submit a Development Plan to the Special Permit Granting Authority. The Development Plan shall relate to the proposed Planned Development and to all other Development proposed by the proponent on land contiguous to the proposed Planned Development 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 that comprises the lesser of (i) twenty (20) acres of land for Planned Developments defined under **Section 13.2A** hereof or (ii) if the proponent owns or controls less than twenty (20) acres of proximately located land, all of such land owned or under the control of the proponent; provided, however, that in the case of Planned Developments defined under **Section 13.2A** hereof in the Mixed Use Overlay District, the twenty (20) acre figures set forth in clauses (i) and (ii) of this **Section 13.4A** shall be reduced to five (5) acres.
- B. The specific requirements with respect to the contents of a Development Plan shall be set forth in the Regulations, and shall include, without limitation, the following materials: (i) preliminary site construction plans showing the location of proposed buildings, lot lines, blocks, streets, parking areas and open space, along with zoning district boundaries; (ii) a proposed mix of uses 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; (v) an analysis of transportation, utility, drainage, and other required infrastructure systems; and (vi) a timetable for the construction of each development component.
- C. The Town Boards are invited to attend and offer testimony at any public hearings scheduled by the Authority 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 Development Plan, accompanied by a listing of their concerns and issues regarding the Development Plan.

13.5 Standards and Criteria

The Special Permit Granting Authority shall review a Development Plan under the following standards and criteria, and any additional standards and criteria set forth in the Regulations, as related to the proposed Development Plan.

- A. Design and Use of Development. The proposed use(s) and development program should enhance the built and natural environment by providing for effective use of site topography in the siting of buildings and other facilities and in the placement of landscaping, signage and illumination.
- B. Prohibition of Adverse Environmental Impacts. The proposed use(s) and development program shall not constitute or impose an adverse environmental impact on the surrounding area.
- C. Compliance with Zoning Standards. The proposed use(s) and development program shall comply fully with these By-Laws and the Regulations, including all applicable zoning requirements (use, density, locational, dimensional, and design standards), including the specific standards of the zoning district(s) in which the use(s) and/or development program are to be located, except to the extent that a variance has been obtained pursuant to **Section 15.3**.
- D. Circulation System. The proposed circulation patterns for motor vehicles, bicycles and pedestrians shall provide for safe and adequate ingress and egress, and will not result in conditions that create traffic congestion, hazard, inconvenience, or undue potential for traffic accidents on the site or in the surrounding area. The Special Permit Granting Authority may regulate the number, size, design, and locations of site access drives or other transportation features so as to ensure compliance with the above standards.
- E. Parking and Loading Areas. The proposed location and design of parking and loading areas to service the proposed use(s) and development program are appropriate and functional. The Special Permit Granting Authority may require screening or buffering of parking and/or loading areas to a higher standard when: parking/loading areas are visible from the street or a residential use; parking/loading areas are in close proximity to and have potential for negative impact on a non-residential use; or the proposed development includes a greater number of parking spaces than the minimum required parking spaces established in these By-Laws.
- F. Stormwater Management and Drainage. The proposed use(s) and development program shall include systems for the adequate management of stormwater runoff

from the site and shall also conform to any standards set forth in the Regulations and to the Stormwater Management Policy promulgated by the Massachusetts Department of Environmental Protection and the United States Environmental Protection Agency.

- G. Protection of Infrastructure Corridors. The proposed use(s) and development program shall not adversely impact the transportation, utility, drainage, or other infrastructure system corridors within NAS South Weymouth, including both existing and planned roadway/infrastructure system corridors.

13.6 Findings and Determinations for Approval of Development Plans

The Special Permit Granting Authority 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 these By-Laws to obtain a Special Permit, and subject to site plan review under **Article 12**) only upon making the following findings and determinations as related to the proposed use(s) and development program and any additional required findings and determinations set forth in the Regulations:

- A. Application and Information Supplied is Complete. The application is complete and contains all information required and necessary to make the findings and determinations set forth below.
- B. Consistency with Purposes.
- The proposed use(s) and development program are consistent with the general purposes of these By-Laws.
 - The proposed use(s) and development program are consistent with the applicable purposes and objectives set forth in the various Articles of these By-Laws and the Regulations and with respect to the zoning district(s) in which the proposed use(s) and development program are to be located.
- C. Consistency with Other Developments. The proposed use(s) and development program are consistent with adjacent development within NAS South Weymouth for which building permits, special permits or Development Plans have been approved or issued since the Effective Date.
- D. Compliance with Standards for Development Plans.
- The proposed use(s) and development program comply fully with the standards and criteria set forth in this Article 13 and in the Regulations.
 - The Special Permit Granting Authority may impose conditions and/or safeguards to adequately ensure that the proposed use(s) and development program shall operate or continue to operate in conformity with required standards and criteria.

- E. Compliance with Zoning Standards. The proposed use(s) and development program comply fully with these By-Laws and the Regulations, including all applicable zoning requirements (use, density, locational, dimensional, and design standards), including the specific standards of the zoning district(s) in which the proposed use(s) and development program are to be located, except to the extent that a variance has been obtained pursuant to **Section 15.3**.
- F. Site and Area Compatibility. The proposed use(s) and development program are designed in a manner that is compatible with the existing natural features of the site and are compatible with the characteristics of the built environment and surrounding natural areas, including adjacent land uses.
- G. Modification of Density of Use. Upon a finding that the proposed use(s) and development program have potential to adversely impact the area surrounding its site due to its size or density, including the selection of Building Forms, the Special Permit Granting Authority may require modification to the size of the proposed use(s), structure(s), building(s) or other improvements or the selection of different Building Forms. The Special Permit Granting Authority shall document in writing its findings of project impacts and the reasons for requiring modification or reduction in the size or density of the proposed development program.
- H. Orientation of Vehicular/Pedestrian Access Ways and Ground Floor Uses. The Special Permit Granting Authority shall consider the context of the project site in terms of its locational attributes and the nature of abutting land uses, and establish the degree of compatibility of proposed use(s) with adjacent existing or approved uses. In order to promote the establishment of a functional relationship with the adjacent streets, pedestrian ways, and/or neighboring land uses, the Special Permit Granting Authority may require that the proposed vehicular and pedestrian access ways and/or the uses and occupancies of the ground floor of a building be physically situated and oriented to face adjacent streets or pedestrian ways. Where such a requirement is imposed as a condition to approval of a Development Plan, the Special Permit Granting Authority shall make a finding that promoting a relationship and connection between the proposed and existing adjacent uses would have desirable effects on the character of the district or area.
- I. Signage. The Special Permit Granting Authority shall stipulate the location of and establish controls for the lighting of free-standing signs and any other allowable sign that would be visible from a residential use, such stipulation to be in accordance with the provisions of the Regulations applicable to signs.
- J. Documentation of Findings. In cases where the Special Permit Granting Authority finds the need to require alteration or modification of a proposed use, structure, building, or other development under the standards and criteria of this Article, the Special Permit Granting Authority shall document in writing its findings of project impacts and the reasons for requiring alteration or modification of the proposed development.

13.7 Modification of a Development Plan

A substantial modification of a Development Plan shall require the approval of the Special Permit Granting Authority, as provided in this Article.

A minor modification of a Development Plan for a use comprising a portion of a Planned Development may be made at the time that an application is filed for site plan review or special permit review for any uses specified in the Development Plan. Such a minor modification of a development that requires the grant of a special permit under **Article 11** may be granted by the Special Permit Granting Authority as part of such special permit grant. Such a minor modification for a use comprising a portion of a Planned Development that requires only site plan approval under **Article 12** may be granted as part of such site plan approval.

The Authority shall include in the Regulations definitions for “substantial” and “minor” modifications of a Development Plan.

13.8 Effective Date of Development Plan Approval

The Special Permit Granting 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, copies of which shall be filed within fourteen (14) days after the close of the public hearing with the official records of the Authority and in the office of the Town Clerk for the Town in which the Property is located, and shall be deemed a public record. 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**, as applicable, and shall be filed within twenty (20) days after the effective date of the grant or denial of the permit, which is the date of filing of such notice with the applicable Town Clerk. An appeal brought pursuant to **Section 15.6** shall be brought within the time periods set forth in **Section 15.6**.

13.9 Lapse of Development Plan Approval

The approval of a Development Plan granted under these By-Laws shall lapse if a site plan approval or special permit review application is not filed for a portion of the Planned Development (i) within three years of the effective date of the Development Plan approval, and (ii) within two years of the date of issuance of the each building permit for a use comprising a portion of the proposed Planned Development, or such longer periods of time as may be provided in the Development Plan approval, unless extended by the Special Permit Granting Authority, pursuant to an application filed no more than one hundred and twenty (120) days before the expiration of the Development Plan approval and no fewer than sixty (60) days before such expiration.

14. NONCONFORMING USES AND STRUCTURES

14.1 Existing Buildings and Structures; List of Nonconforming Buildings, Structures and Uses

As of the Effective Date, NAS South Weymouth contained numerous existing buildings and structures and uses of land which did not conform to the By-Laws applicable to the zoning district

in which a parcel is located. The Authority has compiled a list of such nonconforming buildings, structures and uses, a copy of which is attached hereto as **Exhibit E** (the "Nonconforming List").

By virtue of their inclusion on such list, such nonconforming buildings, structures and uses retain the status of a nonconforming building, structure or use. By including the Nonconforming List as a part of these By-Laws, the Authority submits the Nonconforming List to the Towns.

14.2 Loss of Non-Conforming Status

Any non-conforming structure or use that existed as of the Effective Date or the date of any amendment to these By-Laws, as applicable, may be continued or changed to be conforming, but once so changed to be conforming, it shall not be made non-conforming again.

14.3 Use of Nonconforming Buildings and Structures

The use of a nonconforming building or structure, or land without site modifications, for a use which is permitted as-of-right by these By-Laws, shall be subject only to the granting of an occupancy permit, or, in the case of interior reconstruction, a building permit, and to the restrictions set forth herein. Expansion, alteration, or change of a nonconforming building or structure, or the use thereof, or the performance of site modifications (other than the installation of signage which complies with these By-Laws), shall require either a finding by the Authority pursuant to M.G.L. c 40A, § 6 or a special permit, which special permit shall have the effect of terminating the applicable nonconforming status of the building, structure or use.

14.4 Minor Repairs

Minor repairs to and routine maintenance of nonconforming buildings or structures shall be permitted and encouraged and shall not terminate their nonconforming status .

14.5 Casualty

A nonconforming building or structure which has been damaged or destroyed by fire or other casualty to the maximum extent of 50% of its value may be repaired or rebuilt within the two (2) years following such fire or other casualty, provided, however, that the repaired or rebuilt building or structure shall be no less conforming than the building or structure that was so damaged or destroyed. A nonconforming building or structure which has been damaged or destroyed by fire or other casualty to the extent of more than 50% of its value may not be repaired or rebuilt, unless the Special Permit Granting Authority finds that the repaired or rebuilt building or structure shall be no less conforming than the building or structure that was so damaged or destroyed and if the damaged or destroyed building or structure is repaired or rebuilt within the two (2) years following such fire or other casualty.

14.6 Additional Standards

The Authority may include in the Regulations additional standards that will apply to (a) the continuation or proposed expansion of nonconforming uses, (b) Nonconformities Relative to Landscaping Requirements, and (c) Nonconformities Relative to Parking Requirements.

15. ENFORCEMENT

15.1 Zoning Enforcement Officer

These By-Laws shall be enforced by the Zoning Enforcement Officer, as provided in Section 2.3 and elsewhere in these By-Laws.

15.2 NAS Board of Appeal

- A. A Board of Appeal consisting of three (3) members shall be appointed as provided below, and shall be called the "NAS Board of Appeals". One member shall be appointed from the Zoning Board of Appeals of each of the Towns, such appointment to be made by the applicable Board of Selectmen in the Towns of Abington and Rockland and by the Mayor of the Town of Weymouth. The applicable Board of Selectmen of the Towns of Abington and Rockland and the Mayor of the Town of Weymouth may also appoint one additional member from the Board of Appeals of such Town to be available to serve on the NAS Board of Appeal when the regular member is not available (an "alternate member").
- B. Members of the NAS Board of Appeal (and alternate members, if any) shall serve for terms of three (3) years. Members of the NAS Board of Appeal (and alternate members, if any) shall be eligible for reappointment at the expiration of their terms and may be removed for good cause by their respective appointing authority. If a member (or alternate member, if any) of the NAS Board of Appeal ceases to be a member of the Board of Appeals in one of the Towns, such member or alternate member shall resign from the NAS Board of Appeal. Upon such resignation of a regular member, the alternate member, if any, shall serve as the regular member of the NAS Board of Appeal until such time as a replacement is appointed by the Town. Notwithstanding the foregoing, a member of the NAS Board of Appeal who is no longer serving as a member of the Board of Appeals in one of the Towns shall continue to serve on the NAS Board of Appeal with respect to any application pending before the NAS Board of Appeal with respect to which such member has participated in a hearing.

15.3 Variances

- A. The Authority shall have the authority to issue variances from the terms of the By-Laws or the Regulations.
- B. Notwithstanding anything contained herein to the contrary, no variance shall authorize a use of land or buildings which is not a use permitted as-of-right or by special permit or development plan approval in the applicable zoning district.
- C. If the Authority receives an application for a variance from the terms or requirements of the By-Laws or Regulations (other than as to use), the Authority shall make a determination on any such application in accordance with such procedures as may be established from time to time by the Authority.

- D. The Authority shall have the power to grant a variance where the Authority finds with respect to a particular parcel of land or 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 structures 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.
- E. The grant of a variance by the Authority shall require the affirmative vote of five (5) directors of the Authority.
- F. In granting a variance, the Authority may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be compatible with the use of properties in the vicinity.
- G. If the rights authorized by a variance are not exercised within one (1) year of the date of the grant of such variance, such rights shall lapse; provided, however, that the Authority may, in its discretion and upon written application by the grantee of such variance, extend the time for exercise of such rights for a period not to exceed six (6) months; and provided, further, that the application for such extension is filed prior to the expiration of the original one year period.

15.4 Interpretations

When there is a question as to the interpretation of the provisions of these By-Laws and Regulations, the Authority is authorized to interpret the same. In land use matters where the Enabling Legislation or these By-Laws do not provide guidance for the Authority's interpretations, the Authority shall be guided by the provisions of **M.G.L. c. 40A** and by applicable decisional law and statutes. Such interpretations shall be considered final unless an aggrieved person complies with the appeal provisions of **Sections 15.5 or 15.6** of this Article.

15.5 Appeals of Decisions of Land Use Administrator

- A. The NAS Board of Appeal shall have the power, with respect to appeals of permits, to hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Land Use Administrator.

The NAS Board of Appeal shall act on all matters within its jurisdiction under these By-Laws in accordance with the provisions of **M.G.L. c. 40A §15**, and subject always to the rule that it shall give due consideration to promoting the public health, safety, convenience and welfare and to conserving property values, that it shall permit no building or use injurious, noxious, offensive or detrimental to the neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case.

- B. The procedures for filing an application for an appeal shall be set forth in the Regulations. The Regulations shall contain rules governing the NAS Board of Appeal's procedures and the conduct of the NAS Board of Appeal's business. The NAS Board of Appeal shall exercise such powers and duties as are consistent with **M.G.L. c. 40A** as it may be from time to time amended. The Regulations shall include provisions for submission of petitions in writing, for advertising and holding hearings, for keeping records of proceedings, for recording the vote of each member upon each question, for setting forth the reason or reasons for each decision, and for notifying the parties in interest, including the Land Use Administrator, as to each decision.
- C. In the case of any appeal made to the NAS Board of Appeal, the NAS Board of Appeal shall fix a reasonable time for and shall hold a public hearing thereof in accordance with the provisions of **M.G.L. c. 40A, §15**. A decision of the Board of Appeal must be made within one hundred (100) days after filing the appeal. Failure of the Board to act within that time period shall result in the constructive approval of the petition. A decision of the NAS Board of Appeal shall require the affirmative vote of all three members.

15.6 Appeal of the Authority's Actions

In addition to the rights under **Section 15.5** above, any person aggrieved by a determination or approval of the Authority whether or not previously a party to the proceeding, or any municipal officer or board of any of the Towns, may appeal to the Superior Court or Land Court by bringing an action within twenty (20) days after the Authority has filed its decision in office of the Town Clerk for the Town in which the property is located. Said twenty-day period shall commence only after all such filings have been completed.

15.7 Enforcement Provisions and Penalties

- A. If the Zoning Enforcement Officer shall be informed or have reason to believe that any provision of these By-Laws has been, is being or may be violated, he/she may make or cause to be made an investigation of the facts and inspect the property where the violation may exist.
- B. If the Zoning Enforcement Officer finds any such violation, he/she shall give notice thereof in writing to the owner or to the owner's duly authorized agent by means of a written compliance order or a warning citation.
- C. If, after such notice, the premises continue to be used, operated or occupied in a manner contrary to the provisions of these By-Laws, or if any such owner shall fail to obey any lawful order of the Zoning Enforcement Officer in respect to any violation or use contrary to the provisions of these By-Laws, the Zoning Enforcement Officer may proceed with enforcement as provided below.

- D. If the Zoning Enforcement Officer is requested in writing to enforce these By- Laws against any person allegedly in violation of the same, and the Zoning Enforcement Officer declines to act, he/she shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefor within fourteen (14) days of receipt of such request.
- E. Any person who violates any of the provisions of these By-Laws shall be subject to a fine of no more than \$300 for each violation for every day that the violation continues if, after receiving a written notice of violation from the Zoning Enforcement Officer, the person fails to correct the violation within five (5) days of receipt of such notice, or within such longer time as the Zoning Enforcement Officer may grant in appropriate circumstances.
- F. Refusal or neglect to comply at once with a lawful order of the Zoning Enforcement Officer issued under the provisions of **M.G.L. c. 40A** or the provisions of these By-Laws shall be considered an offense distinct in itself, and shall be subject to the enforcement provisions of **M.G.L. c. 40A**.
- G. In addition to the procedures for enforcement as described above, the provisions of these By-Laws may also be enforced by the Zoning Enforcement Officer by a non-criminal complaint pursuant to the provisions of **M.G.L. c.40 §21D**. Each day on which a violation exists shall be deemed to be a separate offense.

16. EARTH REMOVAL

16.1 Special Permit

- A. Except as provided in **Section 16.2**, no soil, loam, sand, gravel, or other earth materials shall be removed from any lot within NAS South Weymouth, except in accordance with a special permit therefor.
- B. A special permit for removal of earth materials shall only be granted if the Special Permit Granting Authority finds that operations to be conducted under such permit will not:
 - (1) be injurious or dangerous to the public health or safety;
 - (2) produce noise, dust, or other effects observable from adjacent property in amounts objectionable or detrimental to the normal use of such adjacent property;
 - (3) result in use of streets so as to cause congestion or hazardous conditions;
 - (4) result in the change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted;
 or

- (5) have a material adverse effect on the water quality or supply, health, or safety of persons or businesses in NAS South Weymouth or the Towns.

C. Application for Special Permit for Earth Material Removal

Each application for a special permit for earth material removal shall be accompanied by a plan prepared by an engineer or architect licensed in the Commonwealth of Massachusetts showing:

- (1) the existing contours of the land;
- (2) the contours as proposed after completion of the operation;
- (3) the proposed lateral support to all adjacent property;
- (4) the proposed drainage, including calculations;
- (5) such other information as the Special Permit Granting Authority shall deem necessary to indicate the complete physical characteristics of the proposed operation's compliance with any land use restrictions; and
- (6) if the earth material removal will occur in a Water Resources Protection District, soil boring logs and erosion and sediment control plans.

D. Conditions of Special Permit

- (1) In granting a special permit for earth material removal, the Special Permit Granting Authority shall impose reasonable conditions specially designed to safeguard the persons, businesses, and land within NAS South Weymouth and the Towns, which may include conditions as to:
 - (a) method of removal;
 - (b) type and location of temporary structures;
 - (c) hours of operation;
 - (d) cleaning of wheels and undercarriage of trucks hauling removed materials as they exit the site;
 - (e) routes for transporting the material through NAS South Weymouth and the Towns;
 - (f) area and depth of excavation;
 - (g) distance of excavation to street and lot lines;
 - (h) steepness of slopes excavated;

- (i) re-establishment of ground levels and grades;
 - (j) provisions for temporary and permanent drainage;
 - (k) disposition of boulders and tree stumps;
 - (l) replacement of loam over the area of removal;
 - (m) planting of the area with suitable cover, including without limitation shrubs and trees;
 - (n) cleaning, repair, and/or resurfacing of streets used in removal activities which have been adversely affected by the removal activity; and
 - (o) financial surety.
- (2) No special permit for earth removal shall be issued for a period of more than three (3) years, although such a permit may be renewed for additional periods not to exceed three (3) additional years.
 - (3) The Special Permit Granting Authority shall require a performance guarantee in a form it deems appropriate to insure compliance with its conditions of authorization.

16.2 Exemptions

The removal of earth material in Mixed Use Development District or the Open Space District and the removal of earth material in any of the following operations shall be exempt from the requirements of **Section 16.1**:

- (1) the removal of less than ten (10) cubic yards of material in the aggregate in any 12 month period from any one lot;
- (2) the transfer of material from one part of a lot to another part of the same lot without exiting the lot;
- (3) the removal of material necessarily excavated in connection with the lawful construction of a building, structure, improvement, or street, or of a driveway, way, sidewalk, path, utilities, or other appurtenances incidental to any such building, structure or street; and
- (4) the removal of material necessarily excavated in connection with the environmental clean-up of a site and/or the remediation of such material, provided the same is undertaken in accordance with applicable law.

16.3 All Other Applicable Provisions of Law to Apply

The issuance of a special permit for earth material removal pursuant to the provisions of this **Article 16** shall not supplant the applicant's obligation to comply with all other relevant laws, ordinances and codes, including, without limitation, the State Wetlands Protection Act (**M.G.L. c. 131**).

17. SUBDIVISIONS

- 17.1 The provisions of the Massachusetts Subdivision Control Law (M.G.L. c.41, §§81L to 81GG) shall be in effect in NAS South Weymouth, and NAS South Weymouth shall be deemed a "town" for all purposes of the Subdivision Control Law.
- 17.2 The Authority shall include in the Subdivision Regulations provisions regulating the development of subdivisions consistent with the provisions of M.G.L. c.41 §81Q.
- 17.3 All hearings of the Authority to consider a proposed subdivision plan shall be subject to the public hearing and notice requirements for subdivision approval set forth in M.G.L. c. 41.
- 17.4 No person may subdivide land except in accordance with the provisions of these By-Laws and the Subdivision Regulations.

18. REVISIONS TO THE BY-LAWS

18.1 Revisions Which Are Not Substantial

- A. As provided in the Enabling Legislation, the Authority, without action by the Towns, may make minor revisions to the By-Laws which are not substantial.
- B. A proposed revision to these By-Laws or the Zoning District Map shall not be considered substantial, for purposes of the Enabling Legislation and the By-Laws, if the revision meets any of the following criteria:
- (1) the proposed revision corrects a typographical or clerical error or omission without prejudice to the rights of any person or Town;
 - (2) the proposed revision renumbers a provision of the By-Laws without change to the text thereof;
 - (3) the proposed revision adds, deletes or modifies a specific reference to a section of the Enabling Legislation, to reflect the correct section reference of the Enabling Legislation as adopted by the Massachusetts Legislature;
 - (4) the proposed revision is an amendment to increase or decrease the size of the WRP District (as defined in **Article 9**) made pursuant to **Section 18.3A**;

- (5) the proposed revision provides for a more detailed legal description of the zoning district boundaries as shown on the Zoning District Map;
 - (6) the proposed expansion of a zoning district does not increase the area of such district by more than ten percent (10%)
- C. Prior to approving any revision to these By-Laws which is not considered substantial, the Authority shall formally notify the Towns, shall publish a notice of public hearing in newspaper(s) of general circulation within the NAS South Weymouth Region (as defined in the Enabling Legislation), shall hold at least one public hearing in NAS South Weymouth or in any one of the Towns at which the proposed revision to the By-Laws not considered substantial shall be considered and voted upon, and shall afford the opportunity for public comment at such public hearing.

18.2 Substantial Revisions

In accordance with Section 14 (c) of the Enabling Legislation, all other proposed revisions to these By-Laws shall be considered substantial revisions, requiring the approval of the town(s) in which the land that is subject of such revisions is located.

18.3 Amendments to Increase or Decrease the Size of the WRP District

- A. The Authority may, from time to time, amend the WRP District Map to increase or decrease the size or revise the boundaries of the WRP Districts, as defined in **Article 9** of these By-Laws, in order to describe more accurately the area that contains the resources that are protected by inclusion in the WRP District, provided that such increase, decrease or boundary revision is based upon reliable engineering or scientific data. The amendments to the WRP District Map authorized by this paragraph shall be considered minor amendments to the By-Laws pursuant to **Section 18.1** hereof and **Section 14(d)** of the Enabling Legislation.
- B. Prior to amending the WRP District Map as provided in the preceding paragraph A, the Authority shall provide a written notice of such proposed amendment and the information supporting such amendment (1) to the clerks of Towns, (2) to the board of selectmen of the Towns of Abington and Rockland, (3) to the Mayor of the Town of Weymouth, and (4) to the planning board of each of the Towns, stating the time and place of a public hearing to be scheduled to consider such amendment, which hearing shall not be scheduled earlier than thirty (30) days before the date of such notice.
- C. The Authority shall update the WRP District Map promptly after amendments to it are adopted. Upon amending the WRP District Map, the date of the WRP District Map shall be changed to indicate its latest revision.
- D. The action of the Authority to amend the WRP District Map, as provided in this Article, shall be subject to judicial review, as provided in **M.G.L. c. 40A**.

18.4 Codification of Revisions to the By-Laws

As required by **Section 14(d)** of the Enabling Legislation, the Authority shall maintain a codification of these By-Laws that identifies all major zoning revisions adopted by the Towns, all minor zoning revisions adopted by the Authority, all revisions to the Zoning District Map made pursuant to **Section 14(e)** of the Enabling Legislation. Said codification shall include all amendments to the WRP District Map.

EXHIBIT A

Zoning District Map

[attached behind]

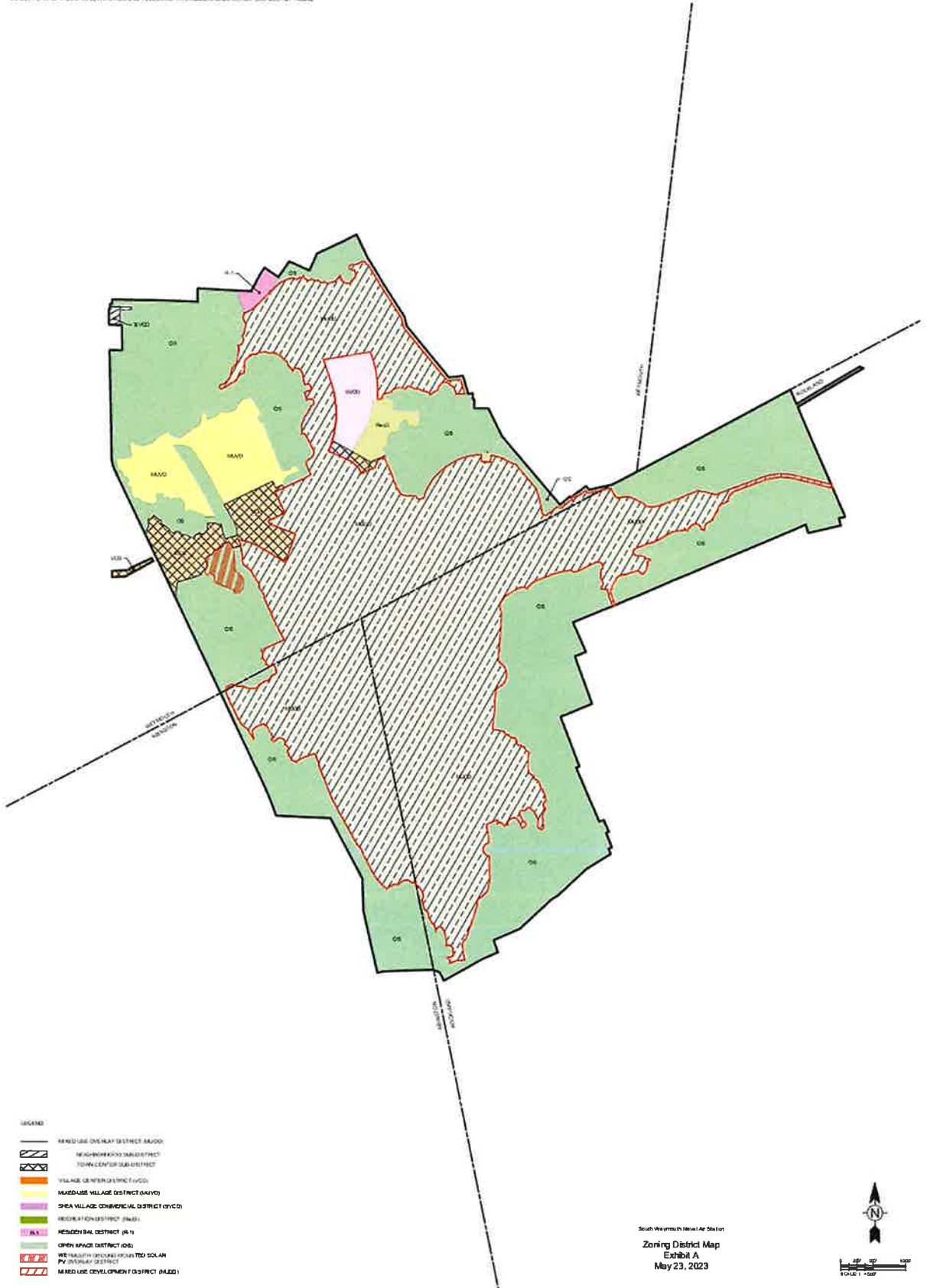
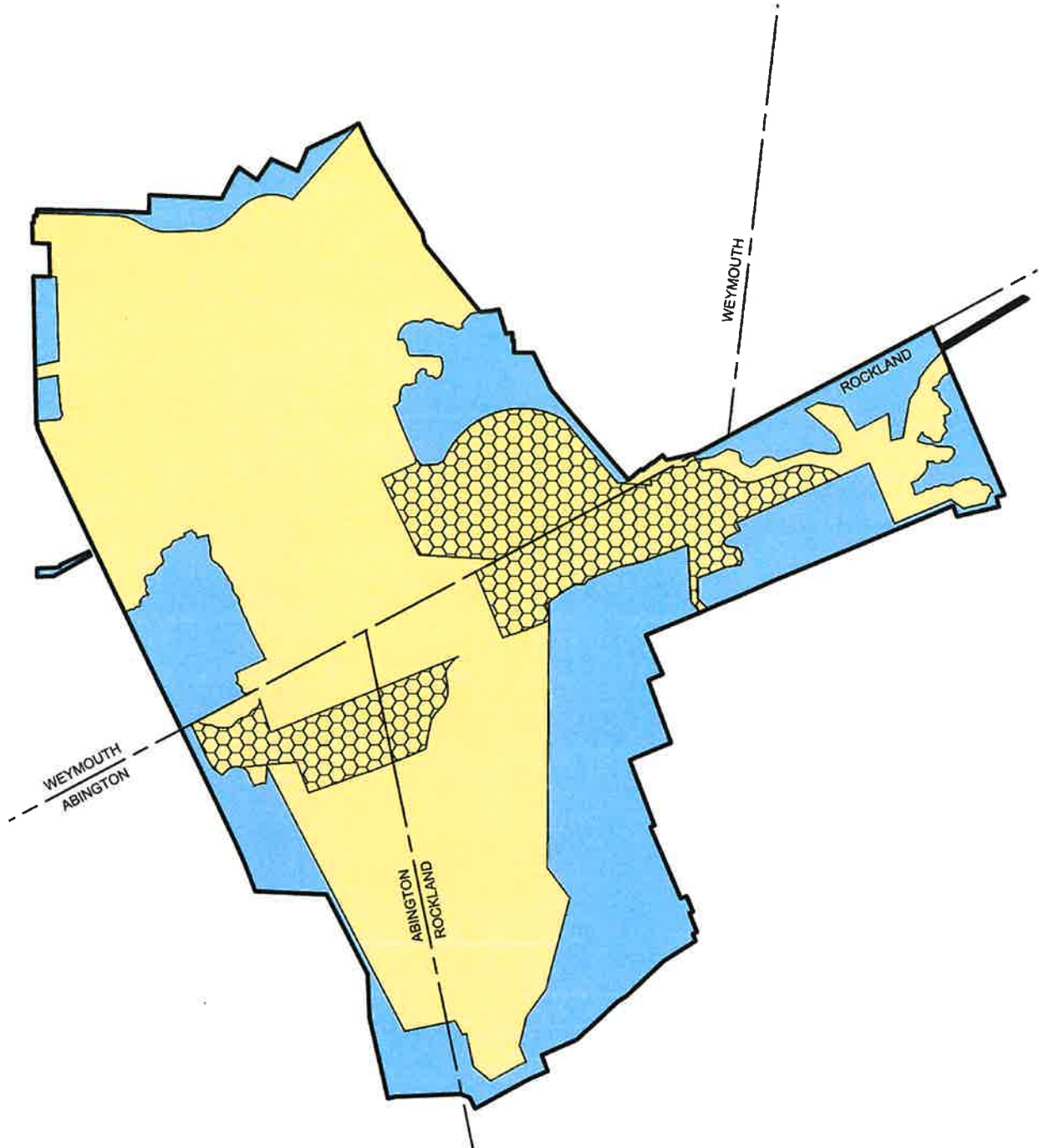


EXHIBIT A-1

Central Redevelopment Area and Perimeter Area Map

[attached behind]



LEGEND

- CENTRAL REDEVELOPMENT AREA*
- PERIMETER AREA*
- DEDICATED COMMERCIAL ZONE*

* FOR SO LONG AS SUCH AREA/ZONE EXISTS PURSUANT TO THE ENABLING LEGISLATION

South Weymouth Naval Air Station
**CENTRAL REDEVELOPMENT AREA
 AND PERIMETER AREA MAP**
 EXHIBIT A-1
 March 3, 2023

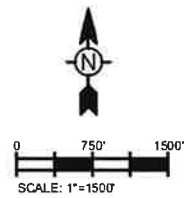


EXHIBIT B

Water Resources Protection Overlay Map

[attached behind]



LEGEND:

- | | |
|-----------------------------|----------------------|
| SITE BOUNDARY | AQUIFER-HIGH YIELD |
| AQUIFER PROTECTION DISTRICT | AQUIFER-MEDIUM YIELD |
| OPEN WATER | Wetlands |
| STREAMS | |

NOTES:

1. DATA FROM OFFICE OF GEOGRAPHIC INFORMATION (MASSGIS), COMMONWEALTH OF MASSACHUSETTS MASSGIS, APRIL 2017
2. AERIAL IMAGERY FROM ESRI, DIGITALGLOBE, GEOEYE, EARTHSTAR GEOGRAPHICS, CINE/SARBUS DS, USDA, USGS, AERODIG, KRI, AND THE GIS USER COMMUNITY



**SOUTHFIELD
REDEVELOPMENT AUTHORITY
APRIL 10, 2017**

**WATER RESOURCES
OVERLAY MAP**

	<small>Design & Construction for natural and built world</small>	EXP-001
		B

EXHIBIT C

Table of Permitted Uses

Legend:

A	Apartments
AC	Apartments with Commercial
AP	Apartments - Podium
SF<5	Single Family House - up to 5,000 sq.ft. lot
SF>5	Single Family House - 5,000 to 10,000 sq.ft. lot
TH1	Townhouse - 1
TH2	Townhouse - 2
O/C	Office / Commercial
NC	Neighborhood Commercial
AR	Anchor Retail
LI	Light Industrial
BPM	Biopharmaceutical Manufacturing
All Res.	Refers to All Residential Building Forms including Apartments; Apartments with Commercial; Apartments – Podium; Single Family House – up to 5,000 sq.ft. lot; Single Family House – 5,000 to 10,000 sq.ft. lot; Townhouse – 1 and Townhouse – 2.
n/a	Not Applicable refers to either prohibited uses or uses that have no Building Form.
N	No
Y	Yes
SP	Special Permit required

	Permitted Form for Principal Use	Permitted Form for Secondary or Accessory Use							Mixed Use Overlay District		Solar Overlay District	MUDD	Open Space	
			VCD	MUVD	SYCD	RecD	N	TC	WGMSPD					
Residential														
Assisted Living or Congregated Living Residence Facility	n/a	n/a	Y	Y	N	N		Y	Y	N		Y	N	
Group Residence	All Res.	n/a	SP	SP	N	SP		SP	SP	N		Y	N	
Home Occupation	n/a	All Res.	Y ¹	Y ¹	N	N		Y ¹	Y ¹	N		Y	N	
Independent Living Residence	n/a	n/a	Y	Y	N	N		Y	Y	N		Y	N	
Live/Work	n/a	SF<5, TH1, TH2, A, AC, AP	Y ²	Y ²	N	N		Y ²	Y ²	N		Y	N	
Long-Term Care Facility	n/a	n/a	SP	SP	N	N		Y	SP	N		Y	N	
Multifamily	A, AC, AP	n/a	Y	Y	N	N		Y	Y	N		Y	N	
Senior Residence Community	All Res.	n/a	SP	SP	N	N		Y	SP	N		Y	N	

A Apartments; **AC** Apartments with Commercial; **AP** Apartments – Podium; **SF<5**, Single Family House - up to 5,000 sq.ft. lot; **SF>5**, Single Family House - 5,000 to 10,000 sq.ft. lot; **TH1** Townhouse – 1; **TH2** Townhouse – 2; **O/C** Office / Commercial; **NC** Neighborhood Commercial; **AR** Anchor Retail; **LI** Light Industrial; **BPM** Biopharmaceutical Manufacturing; **All Res.** Refers to All Residential Building Forms; **n/a** Not Applicable; **N**=No; **Y**=Yes; **SP**=Special Permit Required

	Permitted Form for Principal Use	Permitted Form for Secondary or Accessory Use	Permitted Form for Secondary or Accessory Use					Mixed Use Overlay District		Solar Overlay District	MUDD	Open Space
			VCD	MUVD	SVCD	RecD	N	TC	WGMSPOD			
Single Family (<5,000 sf)	SF<5	n/a	SP	Y	N	N	N	Y	SP	N	Y	N
Single Family (>5,000 sf)	SF>5	n/a	N	SP	N	N	N	Y	SP	N	Y	N
Townhouse	TH1, TH2	n/a	Y	Y	N	N	N	Y	Y	N	Y	N
Commercial												
Anchor Retail	AR	n/a	Y	N	SP	N	N	N	Y	N	Y	N
Bed and Breakfast	SF<5, SF>5, TH1, TH2	n/a	Y	Y	N	N	N	Y	SP	N	Y	N
Conference Center	n/a	n/a	SP	N	SP	N	N	SP	Y	N	Y	N
Day Care Center	NC	AC ² , AP ² , O/C, LI, BPM,	Y	Y	Y	N	N	SP	Y	N	Y	N
Funeral Home	NC, SF<5	n/a	Y	Y	N	N	N	SP	SP	N	Y ⁴	N

A Apartments; **AC** Apartments with Commercial; **AP** Apartments – Podium; **SF<5**, Single Family House - up to 5,000 sq.ft. lot; **SF>5**, Single Family House - 5,000 to 10,000 sq.ft. lot; **TH1** Townhouse – 1; **TH2** Townhouse – 2; **O/C** Office / Commercial; **NC** Neighborhood Commercial; **AR** Anchor Retail; **LI** Light Industrial; **BPM** Biopharmaceutical Manufacturing; **All Res.** Refers to All Residential Building Forms; **n/a** Not Applicable; **N**=No; **Y**=Yes; **SP**=Special Permit Required

	Permitted Form for Principal Use	Permitted Form for Secondary or Accessory Use	Permitted Form for Secondary or Accessory Use				Mixed Use Overlay District		Solar Overlay District	MUDD	Open Space
			VCD	MUVD	SVCD	RecD	N	TC			
General Services	NC, O/C	AC ² , AP ² , LI, BPM, AR	Y	Y	Y	N	Y	N	Y	N	
Health/Fitness Clubs	NC, O/C	AC ² , AP ² , LI, BPM, AR	Y	Y	Y	Y	Y	N	Y	N	
Hotel	O/C	n/a	Y	SP	Y	N	Y	N	Y	N	
Hotel, Boutique	NC, O/C	n/a	Y	Y	Y	N	Y	N	Y	N	
Medical Laboratory	NC, O/C	n/a	Y	N	Y	N	Y	N	Y	N	
Movie/Play House	NC, AR, O/C	n/a	Y	SP	Y	N	Y	N	Y	N	
Office	NC, O/C	AC ² , AP ² , LI, BPM	Y	Y	Y	N	Y	N	Y	N	
Office, Medical	NC, O/C	AC ² , AP ² , LI, BPM	Y	Y	Y	N	Y	N	Y	N	
Restaurant	NC	AC ² , AP ² , AR, O/C ² LI, BPM	Y	Y	Y	N	Y ⁶	N	Y	N	

A Apartments; **AC** Apartments with Commercial; **AP** Apartments – Podium; **SF**<5, Single Family House - up to 5,000 sq.ft. lot; **SF**>5, Single Family House - 5,000 to 10,000 sq.ft. lot; **TH1** Townhouse – 1; **TH2** Townhouse – 2; **O/C** Office / Commercial; **NC** Neighborhood Commercial; **AR** Anchor Retail; **LI** Light Industrial; **BPM** Biopharmaceutical Manufacturing; **All Res.** Refers to All Residential Building Forms; **n/a** Not Applicable; **N**=No; **Y**=Yes; **SP**=Special Permit Required

	Permitted Form for Principal Use	Permitted Form for Secondary or Accessory Use	Permitted Form for Secondary or Accessory Use					Mixed Use Overlay District		Solar Overlay District	MUDD	Open Space
			<u>VCD</u>	<u>MUVD</u>	<u>SVCD</u>	<u>RecD</u>	<u>N</u>	<u>TC</u>				
Retail	NC, AR	AC ² , AP ² , TH1 ² , TH2 ² , O/C ² , LI, BPM	Y	Y	Y	N	N	Y ⁶	N	Y	N	
Theater	AR, O/C	n/a	Y	N	SP	N	N	SP	N	Y	N	
Vehicular Service Establishment	n/a	n/a	N	N	N	N	N	N	N	Y	N	
Veterinarian Office or Clinic	NC	O/C ²	Y	SP	Y	N	N	N	N	Y	N	
Industrial												
Biopharmaceutical Manufacturing	BPM	n/a	N	N	Y	N	N	N	N	Y	N	
Light Industry	LI	n/a	N	N	Y	N	N	N	N	Y	N	
Research and Development	LI, O/C	n/a	Y	N	Y	N	N	N	N	Y	N	
Warehouse/Distribution	n/a	n/a	N	N	N	N	N	N	N	Y	N	

A Apartments; **AC** Apartments with Commercial; **AP** Apartments – Podium; **SF**<5, Single Family House - up to 5,000 sq.ft. lot; **SF**>5, Single Family House - 5,000 to 10,000 sq.ft. lot; **TH1** Townhouse – 1; **TH2** Townhouse – 2; **O/C** Office / Commercial; **NC** Neighborhood Commercial; **AR** Anchor Retail; **LI** Light Industrial; **BPM** Biopharmaceutical Manufacturing; **All Res.** Refers to All Residential Building Forms; **n/a** Not Applicable; **N**=No; **Y**=Yes; **SP**=Special Permit Required

	Permitted Form for Principal Use	Permitted Form for Secondary or Accessory Use	Permitted Form for Secondary or Accessory Use						Mixed Use Overlay District		Solar Overlay District	MUDD	Open Space	
			<u>VCD</u>	<u>MUVD</u>	<u>SVCD</u>	<u>RecD</u>	<u>TC</u>	<u>WGMSPOD</u>	<u>N</u>	<u>Y</u>				
Warehouse/Distribution, Accessory	n/a	LI, BPM	N	N	Y	N	N							
Institutional														
Educational Uses	n/a	n/a	Y	Y	Y	SP	SP		Y	N	Y	Y	N	N
Government Offices	NC, O/C	AC ² , AP ²	Y	Y	Y	N	N		Y	N	Y	Y	N	N
Homeless Shelter	n/a	n/a	N	N	Y	SP	SP		Y	N	Y	Y	N	N
Religious Uses	n/a	n/a	Y	Y	Y	SP	SP		Y	N	Y	Y	N	N

A Apartments; **AC** Apartments with Commercial; **AP** Apartments – Podium; **SF<5**, Single Family House - up to 5,000 sq.ft. lot; **SF>5**, Single Family House - 5,000 to 10,000 sq.ft. lot; **TH1** Townhouse -- 1; **TH2** Townhouse -- 2; **O/C** Office / Commercial; **NC** Neighborhood Commercial; **AR** Anchor Retail; **LI** Light Industrial; **BPM** Biopharmaceutical Manufacturing; **All Res.** Refers to All Residential Building Forms; **n/a** Not Applicable; **N=No**; **Y=Yes**; **SP=Special Permit Required**

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			<u>VCD</u>	<u>MUVD</u>	<u>SVCD</u>	<u>RecD</u>	<u>N</u>	<u>IC</u>	<u>D</u>	<u>WGMSPO</u>			

Transportation															
Structured Parking Facility	n/a	n/a	SP	SP	SP	N			SP	Y	Y	N	Y		N
Transportation Terminals	n/a	n/a	Y	SP	Y	N			SP	Y	Y	N	Y		N
Communications & Utility															
Station, Substation, Automatic Telephone Exchange of a Utility Company	n/a	n/a	SP	SP	SP	N			SP	Y	Y	N	Y		Y
Wireless Communication, Freestanding Structure	n/a	n/a	N	N	SP ^s	N			SP	Y	Y	N	Y		SP
Wireless Communications, Building Mounted Equipment	n/a	n/a	SP ^s	SP ^s	SP ^s	N			SP	Y	Y	N	Y		N
Wireless Communication, Indoor Equipment	n/a	n/a	SP ^s	SP ^s	SP ^s	N			SP	Y	Y	N	Y		N

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			<u>VCD</u>	<u>MUVD</u>	<u>SVCD</u>	<u>RecD</u>	<u>N</u>	<u>IC</u>			

Wireless Communication, Accessory Equipment	n/a	n/a	SP ⁵	SP ⁵	SP ⁵	N		SP	Y	Y	N	Y	Y
Solar, Large Scale Ground Mounted Solar Photovoltaic Installation (>250 kW DC)	n/a	n/a	N	N	N	N		N	N	Y	Y	Y	Y
Solar, Accessory Equipment	n/a	n/a	N	N	N	N		N	N	Y	Y	Y	Y
Public Infrastructure													
Essential Service of a Public Entity or Public/Private Utility Provider	n/a	n/a	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y
Municipal Public Service Facility	n/a	n/a	Y	Y	Y	Y		SP	Y	Y	N	Y	N
Open Space/Recreational													
Club House	n/a	n/a	N	N	N	N		N	N	N	N	Y	N
Golf Course	n/a	n/a	N	N	N	N		N	N	N	N	Y	N

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	Permitted Form for Principal Use	Permitted Form for Secondary or Accessory Use	Permitted Form for Secondary or Accessory Use					Mixed Use Overlay District			Solar Overlay District	MUDD	Open Space
			VCD	MUVD	SVCD	RecD	N	TC	D	WGMSPO			

Open Space/Recreational (Cont.)													
Indoor Commercial Recreation, General	n/a	n/a	Y	SP	N	Y	Y	Y	Y	Y	N	Y	N
Indoor Commercial Recreation, Concentrated	n/a	n/a	SP	N	N	Y	SP	Y	Y	Y	N	Y	N
Outdoor Commercial Recreation, Light	n/a	n/a	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Outdoor Commercial Recreation, General	n/a	n/a	SP	SP	SP	Y	SP	Y	Y	Y	N	Y	Y
Public Recreation/Open Space	n/a	n/a	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Notes:

- All uses marked with a 'Y' in the MUDD are allowed as-of-right, subject to the terms of **Article 7A**. All uses marked with a 'Y' in the Open Space District are allowed as-of-right. In all other Districts, all uses marked with a 'Y' are considered an 'SP' until approval of a Development Plan, to the extent applicable, per **Article 14**. Building Forms are not applicable in the MUDD.

* **Article 8** sets forth the uses allowed in the R-1 Low Density District (and any applicable permitting requirements)

1 Only permitted as accessory use to residential uses otherwise allowed in this zoning district.

2 Only permitted as a secondary use on the ground floor of the Building Form.

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	Permitted Form for Principal Use	Permitted Form for Secondary or Accessory Use	Permitted Form for Secondary or Accessory Use				Mixed Use Overlay District	Solar Overlay District	MUDD	Open Space
			VCD	MUVD	SVCD	RecD				
3			VCD	MUVD	SVCD	RecD	N	TC	D	
4										
5										
6										

3 A Special Permit is required pursuant to Article 7A.4.2 for a building footprint greater than 250,000 square feet.

4 A Funeral Home with a Crematorium or a stand-alone Crematorium is prohibited pursuant to Article 7A.4.3.

5 Per Section 10, Wireless Communications.

6 In the Neighborhood District the uses are limited to 5,000 GSF and a use greater than 5,000 GSF shall require a special permit

A Apartments; AC Apartments with Commercial; AP Apartments – Podium; SF<5, Single Family House - up to 5,000 sq.ft. lot; SF>5, Single Family House - 5,000 to 10,000 sq.ft. lot; TH1 Townhouse – 1; TH2 Townhouse – 2; O/C Office / Commercial; NC Neighborhood Commercial; AR Anchor Retail; LI Light Industrial; BPM Biopharmaceutical Manufacturing; All Res. Refers to All Residential Building Forms; n/a Not Applicable; N=No; Y=Yes; SP=Special Permit Required

EXHIBIT D

Table of Dimensional Standards

	Mixed Use Overlay District						Solar Overlay District	MUDD*	Open Space
	VCD	MUVD	SVCD	RecD	R-1	N			
Dimensional Standard									
Lot Area - Minimum (square feet)	800	800	20,000	20,000	25,000	800	800	20,000	n/a
Lot Frontage - Minimum (linear feet)	20	20	50	50	40	18	18	50	n/a
Lot Coverage - Maximum (percent of lot area)	95	90	70	60	30	95	100	100	n/a
Building Height - Maximum (feet)	80	65	120	35	35	70	100	35	n/a
Building Height Out Building - Maximum (feet)	40	35	40	20	35	35	100	20	n/a
Building/Parking Lot/Loading Setbacks - Minimum (feet)									
Front	3	5	10	15	18	3	0	25	n/a
Side	0	0	20	25	10; 20 feet of any dwelling	0	0	15	n/a
Rear	0	0	10	15	24 or 1/5 of depth of lot, whichever is less	0	0	15	n/a
From any Open Space District	10	10	50	50	n/a	10	50	n/a	n/a
From SWNAS Perimeter Boundary	50	25	100	100	n/a	10	50	100	n/a
Notes: *MUDD dimensional Standards set forth in Article 7A.									
n/a	Not Applicable								

EXHIBIT E

List of Existing Nonconforming Buildings, Structures and Uses as of the Effective Date

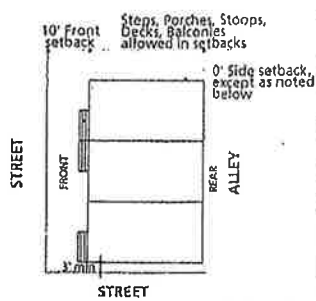
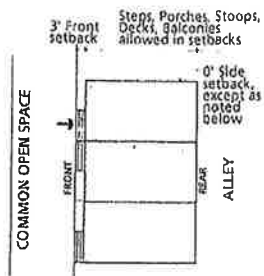
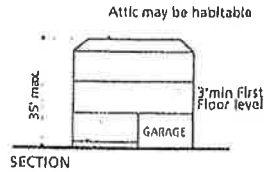
<u>Building Name</u>	<u>Sq. Ft.</u>	<u>Year</u>	<u>Use</u>
7-Sewage Lift Station	320	1942	Utility
8-Boiler Plant – Power House	12,297	1942	Utility, Office, Industrial
13-Storage Garage	4,656	1942	Warehouse Distribution
14-Fuels Building	4,492	1942	Utility, Office
52-Magazine	140	1942	Warehouse Distribution
69-TACAN Building	456		Utility
74-Transformer Vault Fld. Lgt.	544		Utility
77-Old Control Tower	2,317	1954	Office, Business-Professional Service, Communication
82-Hangar Two	91,096	1956	Office, Business-Professional Service, Movie and Entertainment Studio, Industrial, Transportation, Warehouse Distribution.
84-Underground Reservoir (400,000 gal)		1956	Utility
96-Fire Station	13,025	1962	Office, Public Infrastructure Uses
98-Boiler House for #24	195	1960	Utility
100-Transformer House	220	1951	Utility
106-Transformer House	224	1963	Utility
107-Sewage Lift (Residential)	70	1970	
114- Housing Office	1,250	1977	Office, Business, Professional Service
117-AIMD	44,768	1981	Office, Business-Professional Service, Industrial, Research & Development
121-Gymnasium	15,567	1981	Recreation
126-Vehicle Wash Rack	1,500		Transportation Terminals/Services, Motor Vehicle-Related Services
127- Garage	1,344	1984	Storage, Warehouse Distribution
128-Child Care Center	4,854	1984	Child Care, Office
130-HSL Line Shack	600		Warehouse Distribution
131-Butler Building Supply	1,200		Office, Warehouse Distribution
136-Marine Van Pad	10,000		Transportation Terminals/Services
140-Marine Vehicle Maintenance	8,484	1988	Office, Transportation, Industrial
141-Base Transition Office	2,400	1989	Office, Business-Professional Service
146-New Control Tower	2,500	1996	Office, Business-Professional Service, Communication, Warehouse Distribution
225-Courier Building	2,000		Office, Warehouse Distribution
226-Wash Rack	720		Transportation Terminals/Services, Motor Vehicle-Related Services
43-Garage	1,144	1942	Storage, Warehouse Distribution
44-Garage	1,144	1942	Storage, Warehouse Distribution

EXHIBIT F

Building Forms

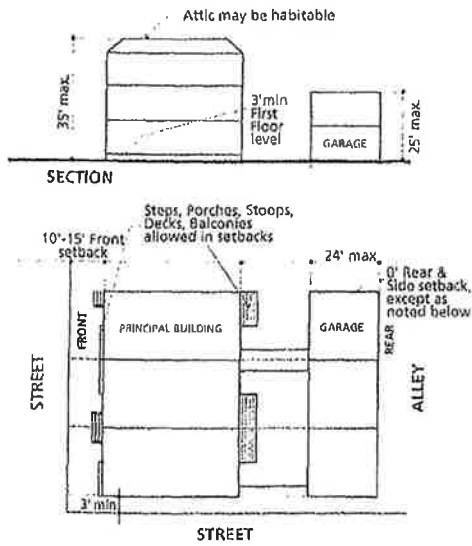
[attached behind]

TOWNHOUSE -1 (TH1)



LOT OCCUPATION	Lot Area (by Unit)	800 sq.ft minimum - 1,499 sq.ft. maximum
	Lot Coverage	92.5% maximum
BUILDING SETBACKS	Front	3 feet minimum -10 feet maximum when fronting the Common Open Space. 10 feet minimum/ maximum for lots fronting the Street
	Side	No required setback except 3 feet minimum setback for lots with side lot line on residential street
	Rear	No required setback
FRONTAGE		18 feet minimum
BUILDING HEIGHT	Principal Building	35 feet maximum height
	Out Building	N/A
PARKING	Spaces	maximum 2/unit - minimum 1/unit
	Area	20 feet x 24 feet maximum
	Access	Rear access from alley
USES		Residential. First Floor of units could include Retail or Live-work. See Main Street Overlay District for special First Floor requirement.
DISTRICTS		Village Center District, Mixed-Use Village District, Residential District

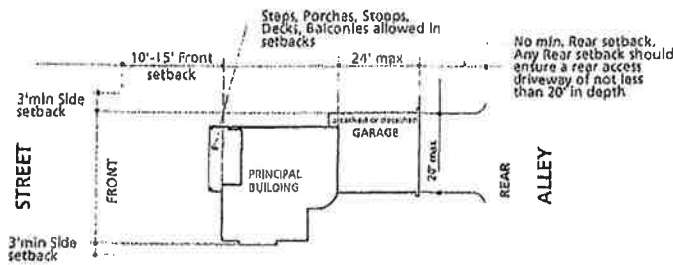
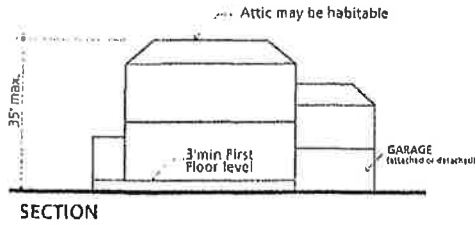
TOWNHOUSE - 2 (TH2)



(* Photos are illustrative only)

LOT OCCUPATION	Lot Area (by Unit)	1,500 sq.ft. minimum - 2,500 sq.ft. maximum
	Lot Coverage	70% maximum
BUILDING SETBACKS	Front	10 feet minimum -15 feet maximum
	Side	No required setback except 3 feet minimum setback for lots with side lot line on residential street
	Rear	0 feet minimum -5 feet maximum
FRONTAGE		18 feet minimum
BUILDING HEIGHT	Principal Building	35 feet maximum height
	Out Building	25 feet maximum height
PARKING	Spaces	maximum 2/unit - minimum 1/unit
	Area	20 feet x 24 feet maximum
	Access	Rear access from alley
USES		Residential. First Floor of Principal Building could include Retail or Live-work. Second Floor of Out Building could include Live-work. See Main Street Overlay District for special First Floor requirement.
DISTRICTS		Village Center District, Mixed-Use Village District, Residential District

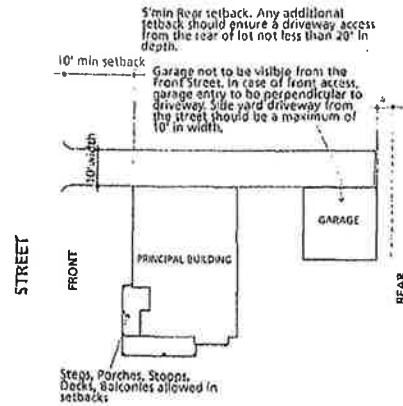
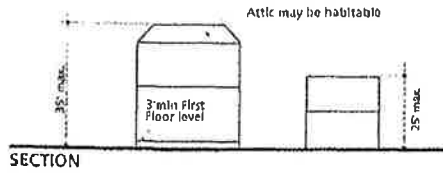
SINGLE FAMILY HOUSE - up to 5,000 sq.ft. LOT (SF<5)



(* Photos are illustrative only)

LOT OCCUPATION	Lot Area	2,501 sq.ft. minimum- 5,000 sq.ft. maximum
	Lot Coverage	60% maximum
BUILDING SETBACKS	Front	10 feet minimum -15 feet maximum
	Side	3 feet minimum
	Rear	No required setback
FRONTAGE		20 feet minimum
BUILDING HEIGHT	Principal Building	35 feet maximum
	Out Building	25 feet maximum in case of detached Garage
PARKING	Spaces	maximum 2/unit - minimum 1/unit
	Area	20 feet x 24 feet maximum
	Access	Entered from front or rear. On corner lots, side yard access is permitted.
USES		Residential
DISTRICTS		Mixed-Use Village District, Residential District

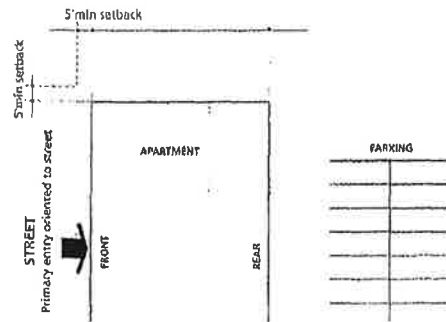
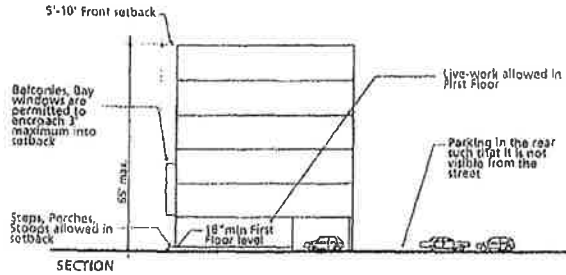
SINGLE FAMILY HOUSE - 5,000 to 10,000 sq.ft. LOT (SF>5)



(* Photos are illustrative only)

LOT OCCUPATION	Lot Area	5,001 sq.ft. minimum - 10,000 sq.ft. maximum
	Lot Coverage	40% maximum
BUILDING SETBACKS	Front	10 feet minimum
	Side	10 feet minimum
	Rear	5 feet minimum
FRONTAGE		20 feet minimum
BUILDING HEIGHT	Principal Building	35 feet maximum
	Out Building	25 feet maximum
PARKING	Spaces	maximum 3/unit - minimum 1/unit
	Area	30 feet x 24 feet maximum
	Access	Entered from front or rear. On corner lots, side yard access is permitted.
USES		Residential
DISTRICTS		Residential District

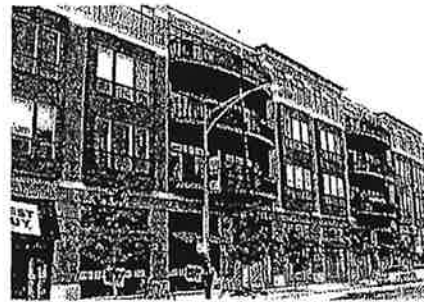
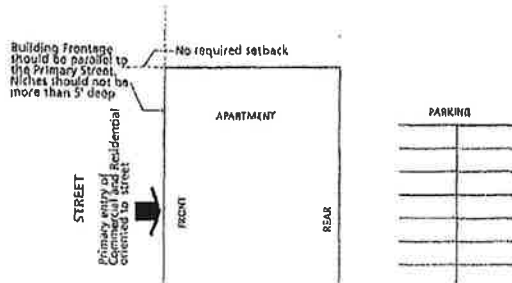
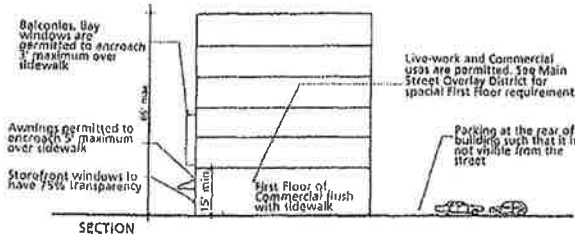
APARTMENTS (A)



(* Photos are illustrative only)

LOT OCCUPATION	Lot Area	2.5 acres maximum
	Lot Coverage	90% maximum
BUILDING SETBACKS	Front	5 feet minimum -10 feet maximum
	Side	5 feet if lot line is on a street. 3 feet minimum - 10 feet maximum if adjacent to another lot line.
	Rear	3 feet minimum
FRONTAGE		N/A
BUILDING HEIGHT	Principal Building	65 feet maximum
	Out Building	N/A
PARKING	Spaces	maximum 2/unit - minimum 1/ unit
	Area	N/A
	Access	Entry from side, rear or front. In case of front access, width of access not to exceed 20 feet.
USES		Residential. First Floor could include Live-work. In case of Main Street Overlay District refer to "Apartments with Commercial".
DISTRICTS		Village Center District, Mixed-Use Village District, Residential District

APARTMENTS WITH COMMERCIAL (AC)

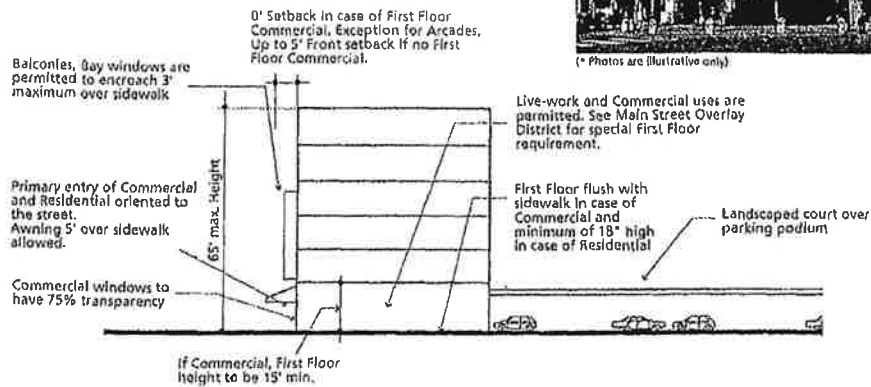


LOT OCCUPATION	Lot Area	2.5 acres maximum
	Lot Coverage	90% maximum
BUILDING SETBACKS	Front	75% of Frontage built to lot line. 5 feet maximum setback for 25% of frontage. For Arcades, 8 feet maximum First Floor setback is allowed.
	Side	No required setback
	Rear	No required setback
FRONTAGE		N/A
BUILDING HEIGHT	Principal Building	65 feet maximum
	Out Building	N/A
PARKING	Spaces	maximum 2/unit - minimum 1/unit
	Area	N/A
	Access	Entry from side, rear or front. In case of front access, width not to exceed 20 feet.
USES		Residential. First Floor could include Live-work and Commercial uses. See Main Street Overlay District for special First Floor requirement.
DISTRICTS		Village Center District, Mixed-Use Village District
<p>Note : No Parking or Loading Bays required for Commercial under 4,000 sq.ft. Gross Floor Area. Commercial greater than 4,000 sq.ft. Gross Floor Area requires 1 parking space/ additional 300 sq.ft. Gross Floor Area and Loading Bays as per the Regulations.</p>		

APARTMENTS- PODIUM (AP)

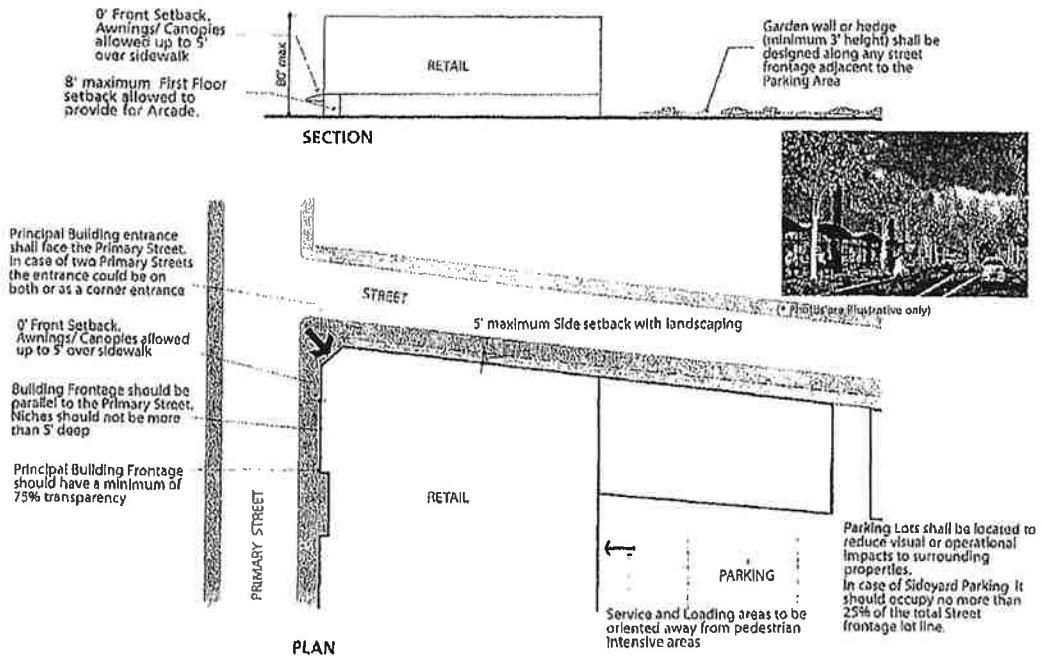


(* Photos are illustrative only)



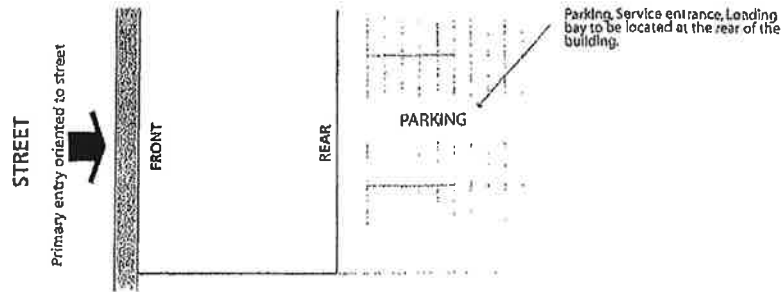
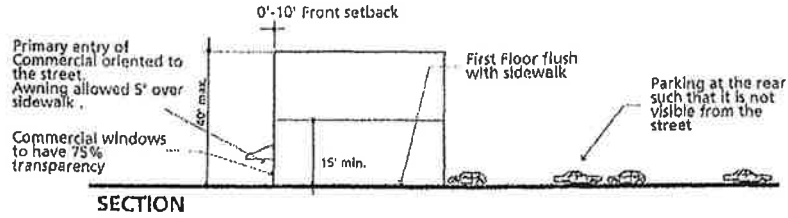
LOT OCCUPATION	Lot Area	2.0 acres maximum
	Lot Coverage	100% allowed
BUILDING SETBACKS	Front	No setback allowed If First Floor is Commercial. For Arcades, 8 feet maximum First Floor setback is allowed. In case of First Floor Residential, 5 feet maximum setback is allowed.
	Side	No required setback. 10 feet maximum setback permitted
	Rear	No required setback
FRONTAGE		N/A
BUILDING HEIGHT	Principal Building	65 feet maximum
	Out Building	N/A
PARKING	Spaces	maximum 2 (tandem allowed)/unit - minimum 1/unit
	Area	N/A
	Access	Front, side or rear access not to exceed 20 feet width.
USES		Residential. First Floor could include Live-work and Commercial uses. See Main Street Overlay District for special First Floor requirement.
DISTRICTS		Village Center District, Mixed-Use Village District
<p>Note : No Parking or Loading Bays required for Commercial under 4,000 sq.ft. Gross Floor Area. Commercial greater than 4,000 sq.ft. Gross Floor Area requires 1 parking space/ additional 300 sq.ft. Gross Floor Area and Loading Bays as per the Regulations.</p>		

ANCHOR RETAIL (AR)



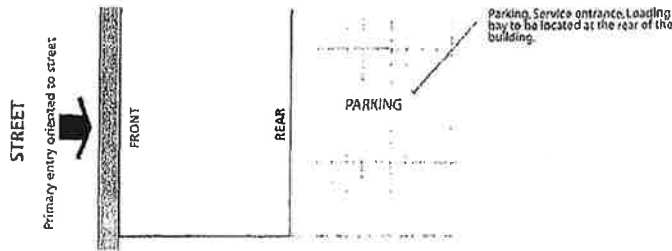
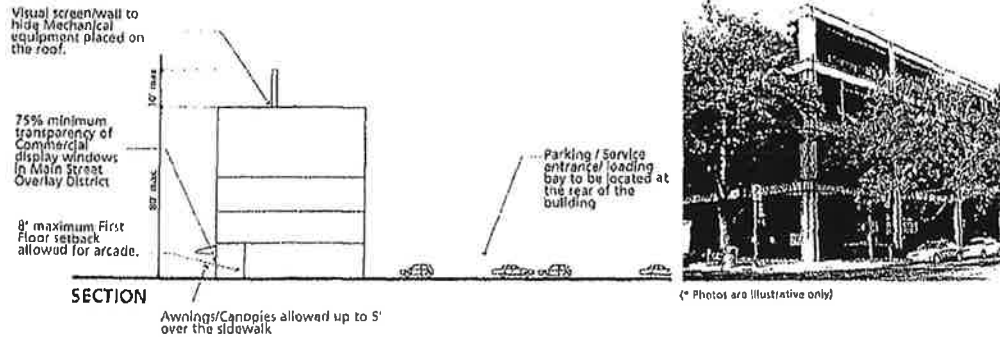
LOT OCCUPATION	Lot Area	1.0 acre minimum - 7.5 acres maximum
	Lot Coverage	90% maximum
BUILDING SETBACKS	Front	75% of Frontage built to lot line. 5 feet maximum setback for 25% of Frontage. For Arcades 8 feet maximum First Floor setback is allowed.
	Side	5 feet maximum
	Rear	No required setback
FRONTAGE		N/A
BUILDING HEIGHT	Principal Building	80 feet maximum
	Out Building	N/A
PARKING	Spaces	3 spaces minimum - 4 spaces maximum/ 1000 sq.ft. Gross Floor Area
	Area	N/A
	Access	Rear or side access
LOADING BAY		As per Regulations
USES		Anchor Retail, Theater, Movie/ Play House, Health and Fitness, Restaurant and General Services.
DISTRICTS		Village Center District

NEIGHBORHOOD COMMERCIAL (NC)



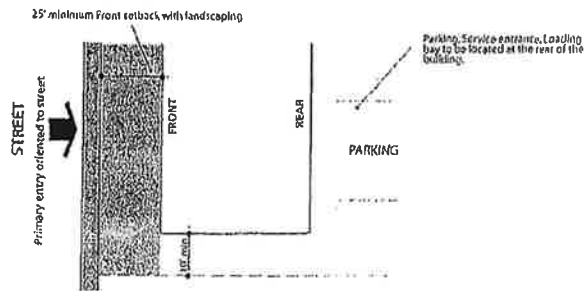
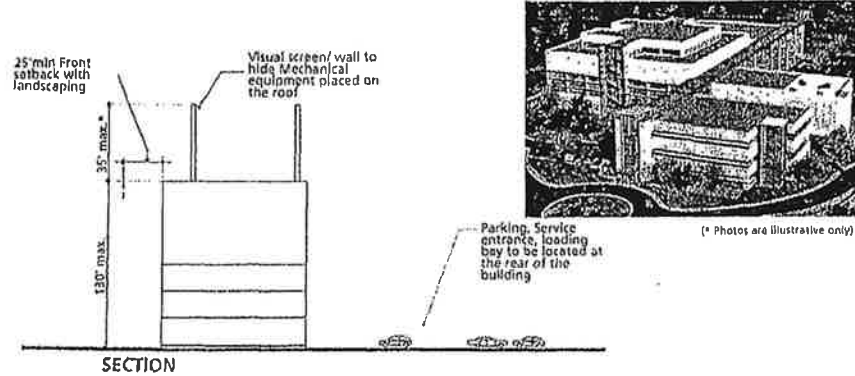
LOT OCCUPATION	Lot Area	1 acre maximum
	Lot Coverage	90% maximum
BUILDING SETBACKS	Front	0 feet minimum - 10 feet maximum
	Side	No required setback
	Rear	3 feet minimum
FRONTAGE		N/A
BUILDING HEIGHT	Principal Building	40 feet maximum
	Out Building	N/A
PARKING	Spaces	3 spaces minimum - 4 spaces maximum/ 1000 sq.ft. Gross Floor Area
	Area	N/A
	Access	Front, side or rear access not to exceed 20 feet width.
USES		Commercial
DISTRICT		Village Center District, Mixed-Use Village District, Residential District and Shea Village Commercial District
<p>Note : No Parking and Loading Bays required for Commercial under 4,000 sq.ft. Gross Floor Area. Commercial greater than 4,000 sq.ft. Gross Floor Area requires 1 parking space/ additional 300 sq.ft. Gross Floor Area and Loading Bays as per Regulations.</p>		

OFFICE / COMMERCIAL (OC)



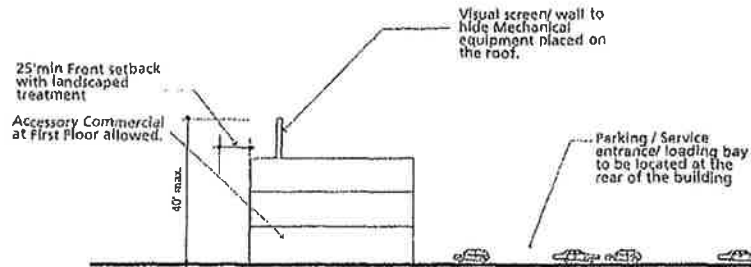
LOT OCCUPATION	Lot Area	3.5 acres maximum in Village Center District, 5.0 acres maximum in Shea Village Commercial District.
	Lot Coverage	90% maximum
BUILDING SETBACKS	Front	No required setback. No setback allowed in Main Street Overlay District. For Arcades in Main Street Overlay District, 8 feet maximum First Floor setback allowed.
	Side	No required setback.
	Rear	No required setback.
FRONTAGE		N/A
BUILDING HEIGHT	Principal Building	80 feet maximum to the highest level of the roof and 10 feet maximum for mechanical equipment placed on the roof.
	Out Building	N/A
PARKING	Spaces	3 spaces/1000 sq.ft. Gross Floor Area required
	Area	N/A
	Access	Front, side or rear access not to exceed 20 feet width.
LOADING BAY		As per Regulations
USES		Commercial, Research and Development. See Main Street Overlay District for special First Floor requirement.
DISTRICTS		Village Center District, Shea Village Commercial District

BIOPHARMACEUTICAL MANUFACTURING (BPM)

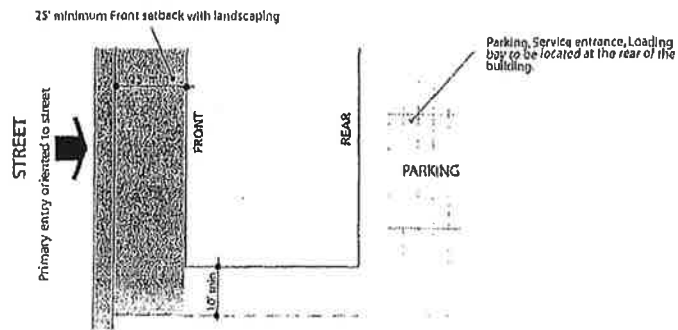


LOT OCCUPATION	Lot Area	1.0 acre minimum - 11.0 acres maximum
	Lot Coverage	90% maximum
BUILDING SETBACKS*	Front	25 feet minimum
	Side	10 feet minimum
	Rear	20 feet minimum
FRONTAGE		N/A
BUILDING HEIGHT	Principal Building	130 feet maximum to the highest level of the roof and 35 feet maximum for mechanical equipment placed on the roof**.
	Out Building	N/A
PARKING	Spaces	3 spaces/ 1000 sq.ft. Gross Floor Area
	Area	N/A
	Access	Front, side or rear access not to exceed 20 feet width.
LOADING BAY		As per Regulations
USES		Biopharmaceutical Manufacturing. Accessory Commercial permitted.
DISTRICTS		Shea Village Commercial District (except for Shea Village Transition Overlay District)
NOTE : * Biopharmaceutical Manufacturing building will have a required setback from the perimeter of the Base of not less than 500 feet. **Stack heights are excluded from 35' maximum height restrictions of mechanical equipment on the roof.		

LIGHT INDUSTRIAL (LI)



SECTION



LOT OCCUPATION	Lot Area	1.0 acre minimum - 11.0 acres maximum
	Lot Coverage	90% maximum
BUILDING SETBACKS	Front	25 feet minimum
	Side	10 feet minimum
	Rear	20 feet minimum
FRONTAGE		N/A
BUILDING HEIGHT	Principal Building	40 feet maximum (Includes height of mechanical equipment placed on the roof)
	Out Building	N/A
PARKING	Spaces	3 spaces/1000 sq. ft. Gross Floor Area required
	Area	N/A
	Access	Front, side or rear access not to exceed 20 feet width.
LOADING BAY		As per Regulations
USES		Light Industrial, Research and Development, Accessory Commercial permitted.
DISTRICTS		Shea Village Commercial District (except for Shea Village Transition Overlay District).