

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

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Exhibit 1: Open Space Property

## **ARTICLE I - OVERVIEW OF ADMINISTRATIVE RULES AND REGULATIONS FOR NAS SOUTH WEYMOUTH**

### **1.1 Authority**

These Administrative Rules and Regulations for NAS South Weymouth (the “Regulations”) are adopted in accordance with Section 13(d) of Chapter 301 of the Massachusetts Acts and Resolves of 1998, as the same now or hereafter be amended (the “Enabling Legislation”), which vests South Shore Tri-Town Development Corporation (the “Corporation”) with the broad regulatory authority to develop and adopt “[r]egulations for the effective implementation and enforcement of the Reuse Plan and zoning by-laws and revisions thereof.” These Regulations shall be implemented and interpreted keeping in mind the purpose of the Enabling Legislation to “promote the expeditious and orderly conversion and redevelopment of NAS South Weymouth.”

### **1.2 Scope; Interrelationship with Zoning and Reuse Plan**

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

“The Regulations shall be consistent with [the] By-Laws and the Reuse Plan and shall provide additional substantive and procedural controls over the reuse of NAS South Weymouth; in the event of any inconsistency, the Reuse Plan and [the] By-Laws shall control. The Regulations shall contain detailed land-use controls, including, but not limited to, procedures and standards for development plans, special permits and site plan review, sign standards, streetscape and landscape standards, parking and loading designs, building design guidelines, open space guidelines, affordable housing regulations, subdivision control standards, infrastructure standards, watershed and water resource protection standards, and standards and procedures required to ensure full compliance with Commonwealth of Massachusetts wetlands protection laws.”

### **1.3 Adoption/Amendments**

The procedure for adoption of the Regulations is set forth in Section 13(d) of the Enabling Legislation, which provides that “[n]o regulation shall be adopted by said Corporation without first publishing notice of same in a newspaper of general circulation within the NAS South Weymouth Region, holding at least one public hearing in the NAS South Weymouth Redevelopment Area or in any one of the Towns of Abington, Rockland and Weymouth (the “Towns”), and affording the opportunity for public comment.” No separate approval by the Towns of any Regulations adopted by the Corporation in accordance with Section 13(d) is required. Amendments to these Regulations shall require the same procedure.

#### **1.4 Administration**

The provisions of the Regulations shall apply in both the Central Redevelopment Area and the Perimeter Areas. The Corporation shall administer and enforce the Regulations within the boundaries of the Central Redevelopment Area, and the Applicable Town Boards of each Town shall administer and enforce the 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.

#### **1.5 Capitalized Terms**

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

## REGULATIONS APPLICABLE TO REVIEW AUTHORITIES

### ARTICLE II - REGULATIONS APPLICABLE TO REVIEW AUTHORITIES

#### 2.1 Purpose

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

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

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

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

*Development Plans:* The SPGA;

*Administrative Appeals:* The NAS Board of Appeal in the Central Redevelopment Area and the Zoning Board of Appeal in the applicable Town in the Perimeter Area; and

*Variances:* The Corporation in the Central Redevelopment Area and the Zoning Board of Appeal in the applicable Town in the Perimeter Area.

In recognition of the fact that certain procedural regulations will be the same notwithstanding the form of zoning relief requested, the Regulations set forth in this Article shall govern the actions of all Review Authorities and are designed to:

- (a) Build upon, and avoid duplication with respect to, previously-approved planning that has occurred, including but not limited to the Reuse Plan, any then-applicable master plan submitted by a master developer and approved by the Corporation, and plans for area-wide infrastructure including streets and ways, wastewater, utilities and landscaping approved pursuant to the Subdivision Rules and Regulations for NAS South Weymouth (the “Subdivision Regulations”);
- (b) Ensure development that is consistent with the principles of smart growth, transit-oriented development and traditional neighborhood design as provided for in the above-mentioned planning documents as well as in applicable sections of these

Regulations including but not limited to the Architectural and Urban Design Standards and Guidelines (the “Architectural and Urban Design Standards”); and

- (c) Facilitate the orderly, expeditious and efficient conduct of business by the Review Authorities by specifying standard procedures to be used in their business affairs with the public.

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

## **2.2 Basic Procedures for Filing Applications**

### **A. Application Form and Cover Sheet**

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

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

### **B. Completing Application Form and Minimum Submission Requirements**

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

### **C. Pre-Filing Meeting**

For each application for any form of zoning relief, the Corporation and any other applicable Review Authority shall designate one individual as the “Lead Reviewer” for that application. Prior to the official filing of an application, an applicant shall be required to meet with the designated Lead Reviewer(s) to discuss and review the proposed application and determine whether any additional information or materials need to be included in the official application. The pre-filing meeting shall not be advertised and shall not constitute a “public meeting.” No less than three (3) business days before the pre-filing meeting, an applicant shall be required to provide one (1) copy of its proposed application so that the Lead Reviewer can review its completeness in form and

minimum submission requirements, and determine any further information that will be necessary for proper review. Within seven (7) days after the pre-filing meeting, the Lead Reviewer shall provide the applicant with a Cover Sheet checklist indicating whether each required submission is complete and whether any additional information or materials need to be included in the official application. Depending on the nature of the proposed project, the Lead Reviewer may make reasonable requests for additional, non-duplicative information beyond that required by the minimum submission requirements.

D. Official Filing of Application with the Applicable Review Authorities

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

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

For applications to the Applicable Town Boards of the Town of Abington, the Filing Office shall be the Town Clerk for the Town of Abington.

For applications to the Applicable Town Boards of the Town of Rockland, the Filing Office shall be Town Clerk for the Town of Rockland.

For applications to the Applicable Town Boards of the Town of Weymouth, the Filing Office shall be Town Clerk for the Town of Weymouth.

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

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

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

Whenever any plan is required to be submitted under these Regulations, the applicant shall also submit an electronic copy of the plan in accordance with Level 3 of the Commonwealth’s Standard for Digital Plan Submission to Municipalities (last updated Jan. 2006), as the same may be amended. In addition, whenever any other materials are required to be submitted under these Regulations, the applicant shall also submit an electronic copy of such materials.

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

E. Modification of Information Submittal Requirements

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

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

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

F. Review of Information Submitted in Application

Upon the official filing, the Lead Reviewer for each applicable Review Authority shall review each application and its Cover Sheet for its informational content and determine adequacy of that information, based on the completeness review conducted during and after the pre-filing meeting. Each Lead Reviewer shall endeavor to identify any

remaining missing or incomplete information as soon as possible after the application is officially filed, and notify the applicant expeditiously but, in any event, within seven (7) days after the filing. Depending on the nature of the proposed project, the Lead Reviewer may make reasonable requests for additional, non-duplicative information beyond that required by the minimum submission requirements.

G. Request for Further Information

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

**2.3 Fees**

A. Establishment of Filing Fees

Accompanying each application to a Review Authority shall be a filing fee as indicated by the schedule of fees adopted annually by the Corporation (the "Schedule of Filing Fees"). The Schedule of Filing Fees shall be kept on file at the offices of the Corporation and each of the applicable Filing Offices. All fees shall be paid in cash or by check or money order payable to (i) "South Shore Tri-Town Development Corporation" where the Review Authority is the Corporation or the NAS Board of Appeal, (ii) the Town of Abington where the Review Authority is an Applicable Town Board of the Town of Abington, (iii) the Town of Rockland where the Review Authority is an Applicable Town Board of the Town of Rockland, and (iv) the Town of Weymouth where the Review Authority is an Applicable Town Board of the Town of Weymouth, and shall be presented to the Filing Office at the time of officially filing the application. No application will be processed without the requisite fee, provided, however, that the applicable Review Authority shall have the authority to waive any requisite fee in its sole discretion.

B. Advertising and Notification Fee

In addition to the filing fee, applicants must also pay the cost to publish legal notice of the hearing in a newspaper of general circulation within the NAS South Weymouth Region as determined by the Corporation, and to cover mailing costs to notify abutters to the subject property and neighboring cities and towns as determined by the Corporation. The calculation of the advertising and notification fee is described on the Schedule of Filing Fees.

C. Project Review Fees

In accordance with MGL c.44, §53G, the applicable Review Authority may require that applicants pay the reasonable cost to employ outside consultants with respect to the review of a proposed project (the "Project Review Fee"). The applicable Review Authority may use the Project Review Fee to engage experts, including attorneys (except

