

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

EFFECTIVE DATE: SEPTEMBER 5, 2006

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ARTICLE I - GENERAL

1.1 Authority

- A. These Subdivision Rules and Regulations for NAS South Weymouth, hereinafter the “Regulations,” shall be known and may be cited as the Subdivision Rules and Regulations of Naval Air Station (NAS) South Weymouth.
- B. Under the authority vested in South Shore Tri-Town Development Corporation (the “Corporation”) under Chapter 301, Sections 6(r) and 13(d) of the Massachusetts Acts and Resolves of 1998 adopted by the Massachusetts General Court on August 14, 1998 (the “Enabling Legislation”), the Corporation hereby (i) acknowledges that the Corporation shall, among its other functions, serve the role of a planning board established under M.G.L. Chapter 41, Section 81N; (ii) accepts the provisions of the Subdivision Control Law, M.G.L. Chapter 41, Section 81K to 81GG inclusive (the “Subdivision Control Law”); (iii) confirms that the provisions of the Subdivision Control Law shall be in effect in NAS South Weymouth; and (iv) adopts these Regulations governing the subdivision of land in NAS South Weymouth.
- C. NAS South Weymouth is divided into a Central Redevelopment Area and Perimeter Areas, as shown on the Zoning District Map. The provisions in the Reuse Plan for NAS South Weymouth (the “Reuse Plan”), the Zoning and Land Use By-Laws for NAS South Weymouth (the “By-Laws”) and these Regulations shall apply in both the Central Redevelopment Area and the Perimeter Areas. The Corporation shall administer these Regulations within the boundaries of the Central Redevelopment Area and the planning boards of the respective Towns of Abington, Rockland and Weymouth (the “Towns”) shall administer these Regulations within the boundaries of that portion of the Perimeter Area located within such Town. For purposes of these Regulations, the term “Applicable Subdivision Board” shall mean the Corporation with respect to the Central Redevelopment Area, and the planning board of each Town with respect to the portion of the Perimeter Area located within such Town. For purposes of these Regulations, the term “Filing Office” shall mean, (a) the Corporation, where the Corporation is the Applicable Subdivision Board and (b) the Town Clerk of the applicable Town, where a planning board of one of the Towns is the Applicable Subdivision Board.

- D. The Corporation, acting in the capacity of a planning board, or the planning board of each of the Towns, shall maintain full authority to administer these Regulations until that authority is transferred to another board established in accordance with Section 30 of the Enabling Legislation and M.G.L. Chapter 41, Sections 81A and 81N, except as otherwise provided herein.

1.2 Purpose

These Regulations are adopted for the purpose of protecting the safety, convenience and welfare of the inhabitants and the environment of NAS South Weymouth by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions, parks and open areas. The administrative powers of the Applicable Subdivision Board under these Regulations will facilitate uniform redevelopment policies for NAS South Weymouth and shall be exercised with due regard for:

- Providing adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel;
- Lessening congestion to such ways and in the adjacent public ways;
- Reducing danger of life and limb in the operation of motor vehicles;
- Securing safety in the case of fire, flood, panic, and other emergencies;
- Insuring compliance with the Reuse Plan and the By-Laws;
- Securing adequate provision for water, sewerage, drainage, underground utility services, fire, police and other similar municipal equipment, and street lighting, landscaping and other requirements where necessary in a subdivision;
- Coordinating the ways in a subdivision with each other and with the public ways in NAS South Weymouth, with the ways in neighboring subdivisions located in NAS South Weymouth and with the public ways adjacent to NAS South Weymouth;
- Encouraging the use of solar energy and protecting access to direct sunlight of solar energy systems; and
- Encouraging the use of low impact development techniques where appropriate to promote groundwater recharge and minimize detrimental impacts of stormwater runoff and drainage resulting from the creation of a subdivision.

1.3 Intent

It is the intent of the Subdivision Control Law (under which these Regulations are adopted) that any subdivision plan filed with an Applicable Subdivision Board shall receive the approval of such Applicable Subdivision Board if said plan conforms to the recommendation of the applicable Board of Health, or board or officer having like powers and duties, and to these Regulations.

1.4 Scope; Interrelationship with the By-Laws and Reuse Plan

The scope of the Regulations and the intended interrelationship of the Regulations with the By-Laws, the Reuse Plan and all other regulations adopted by the Corporation 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.”

1.5 Reference

For matters not covered by these Regulations, reference is made to the Subdivision Control Law and the Enabling Legislation.

1.6 Applicability

No person shall make a subdivision within the meaning of the Subdivision Control Law of any lot, tract, or parcel of land within NAS South Weymouth, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways in a subdivision, or the installation of public utilities in such ways, unless and until a definitive plan of such subdivision has been submitted to and approved by the Applicable Subdivision Board as hereinafter provided.

1.7 Procedures

- A. Regular meetings of each Applicable Subdivision Board shall be held on the dates and times as posted with the applicable Filing Office, or another board or officer having like powers and duties. Except for executive sessions as provided for in M.G.L Chapter 39, Section 23A or as provided in the Enabling Legislation, meetings of each Applicable Subdivision Board shall be open to the public to attend. Anyone desiring to meet with an Applicable Subdivision Board shall do so by appointment except as provided for elsewhere in these Regulations. To secure an appointment, an Applicant shall notify the Applicable Subdivision Board in writing fourteen (14) days before a regularly scheduled meeting by delivery of such notice to the applicable Filing Office, or board or officer having like powers and duties. In such notice, the Applicant shall state his/her name, address and a brief outline of the nature of the business to be discussed with the Applicable Subdivision Board.
- B. Any person attending an advertised public hearing may address the Applicable Subdivision Board at the pleasure of the chairperson without prior notice and in so doing shall state his/her name, address and person represented, if any.
- C. All meetings of each Applicable Subdivision Board shall be conducted formally under the direction of its chairperson. In the absence of the chairperson, any vice chairperson shall act as chairperson. In the absence of both the chairperson and vice chairperson, any secretary or clerk shall act as chairperson.
- D. Quorum and Voting Procedure.
 - (1) When the Corporation is the Applicable Subdivision Board, four (4) members of the Corporation's board shall constitute a quorum and a minimum of three (3) affirmative votes of the quorum shall be required for any action; provided, however, that less than three (3) members of the Corporation may vote to adjourn, subject to the meeting be rescheduled as provided herein.

- (2) When the planning board of one of the Towns is the Applicable Subdivision Board, a majority of the members of the applicable planning board shall constitute a quorum.
 - (a) Less than a majority may vote to adjourn, subject to the meeting being rescheduled as provided herein.
 - (b) All other action of the applicable planning board shall require a majority vote of all the members.
- (3) In the event that there is less than a quorum present at any scheduled meeting, the chairperson shall reschedule a meeting as soon as practicable thereafter.
- E. The records of each Applicable Subdivision Board shall be maintained in the manner set forth in M.G.L Chapter 39, Section 23A and/or the Enabling Legislation and may contain such other matters as each Applicable Subdivision Board at its discretion may deem appropriate.
- F. An Applicable Subdivision Board may require any Applicant to produce evidence of ownership, or authority of an agent, representative, or assign.

1.8 Effect of Prior Recording of Plans

The recording of a plan of land in NAS South Weymouth, prior to the effective date of these Regulations, showing the division thereof into existing or proposed lots, sites or other divisions and ways furnishing access thereto, shall not exempt such land from the application and operation of the Subdivision Control Law except as provided in M.G.L. Chapter 41, Section 81FF.

1.9 Definitions

Capitalized terms not otherwise defined in these Regulations shall have the same meaning as in the By-Laws. The following terms shall have the meanings set forth below:

AASHTO: American Association of State Highway and Transportation Officials.

ADA: Americans with Disabilities Act.

ADT: Average Daily Traffic.

ANR or APPROVAL NOT REQUIRED: A plan of land that does not require approval under the Subdivision Control Law, as provided for in M.G.L. Chapter 41, Section 81P. Also known as "Form A Plan."