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# *Board of Zoning Appeals*

## *Rules and Regulations*

Adopted June 16, 2011  
Amended December 3, 2014

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**BOARD OF ZONING APPEALS  
RULES AND REGULATIONS**

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# **ARTICLE 1 ORGANIZATION**

## **Section 1.1 Establishment**

The Town of Weymouth established a Board of Zoning Appeals in accordance with:

MGL c. 40A, §12;

Weymouth Home Rule Charter, § 5-5;

Code of Ordinances, Town of Weymouth, § 3-201; and

Town of Weymouth Zoning Ordinance, § 120-118.

## **Section 1.2 Membership Terms**

Membership to the Board of Zoning Appeals is detailed in the Town of Weymouth Zoning Ordinance and the Code of Ordinances, Town of Weymouth.

- A.** In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, a Board of Zoning Appeals shall be appointed by the Mayor subject to review by the Town Council as per § 2-10 of the Weymouth Town Charter. All members shall be citizens of the Town of Weymouth. The Board of Zoning Appeals shall consist of 5 regular voting members and four associate members. Elected officials of the town may not be appointed to the Board. The Mayor shall appoint a Board of individuals with a balanced mix of professional experience or educational background in the following fields: architecture, civil /structural engineering, law, building/construction, real estate development, business or environmental. Two members shall be citizens at large. Any vacancy in the Board shall be filled by an appointment made by the Mayor for the remainder of the term. In the case of an unfilled vacancy or inability to participate on the part of a member of the Board, the chairman shall designate one of the associate members to take the place of such member.
- B.** Appointments were initially made on March 20, 2000 and expire on March 19 of each year. Appointments and/or reappointments will continue in two year terms.

  - (1) Seat 1, 2 & 3: initial terms 1 year.
  - (2) Seats 4 & 5: initial terms 2 years.
  - (3) Associates A & B: initial terms 1 year. Associates C & D: initial terms 2 years.

## **Section 1.3 Powers and Duties**

The Board of Zoning Appeals shall have the following powers:

- A.** To hear and decide appeals taken by:

  - 1. Any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Inspector of Buildings, provided any appeal

is filed within 30 days from the date of the order or decision which is being appealed.

2. The Metropolitan Area Planning Council, or any person, including an officer or board of the Town of Weymouth, or of an abutting city or town aggrieved by an order or decision of the Inspector of Buildings in violation of any provision of Chapter 40A of the General Laws or of this ordinance.

- B.** To hear and decide applications for special permits under which the Board is empowered to act under this ordinance, as subject to the provisions of the Zoning Ordinance.
- C.** To hear and decide appeals or petitions and requests for variances, after a public hearing for which notice has been given by publication and posting as provided in MGL c. 40A, § 11, and by mailing to all parties in interest. Variances from the terms of the zoning ordinance with respect to particular land or structures shall be granted only when the Board of Zoning Appeals specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this ordinance would involve substantial hardship, financial or otherwise, to the petitioner or applicant, or that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this ordinance. No variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located; provided, however, that such variances properly granted prior to January 1, 1976, but limited in time, may be extended on the same terms and conditions that were in effect for such variance upon said effective date."

Additionally, the Board of Zoning Appeals may impose conditions, safeguards and limitations both of time and of use, including the continued existence of any particular structures, but excluding any condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

The Board of Zoning Appeals members, associate members, the Director of Planning and Community Development, his or her designee, any town officers and / or agents, may, so far as they deem it necessary in carrying out sections M.G.L. c. 40A, 40B and the Zoning Ordinance of the Town of Weymouth inclusive, enter upon any lands and there make examinations and surveys, and place and maintain monuments and marks.

#### **Section 1.4 Annual Organization**

At the first meeting in the fiscal year, the Board shall organize by electing a Chair, Vice-Chair and Clerk. The Chair shall preside at all meetings of the Board. In the absence of the Chair, Vice-Chair and the Clerk, the Board shall elect any other regular member or associate member of the Board to preside.

A record of officers shall be maintained by the Department of Planning and Community Development and filed with the Town Clerk.

## **Section 1.5 Chair**

The Chair shall vote on all matters before the Board and be recorded on all matters coming before the Board.

Subject to these rules, he/she shall decide all points of order, unless overruled by a majority of the Board sitting in session at the time.

In addition to the power granted by the general laws and the town ordinances, and subject to these rules and further instructions of the Board, the Chair shall be its official representative before the Town Council, with the Mayor. The Chair shall, at each meeting, report on all official transactions that have not otherwise come to the attention of the Board.

The Chair shall supervise the work of the Clerk and shall generally transact the business of the Board. In the absence or illness of the Clerk, the Chair may assume the Clerk's duties or appoint any member to temporarily carry on the Clerk's duties.

The Chair shall consult with the Director of Planning and Community Development or other designated Board staff on all administrative action required on applications before the Board.

## **Section 1.6 Vice-Chair**

When the Chair is unable to act for whatever reason, the duties and responsibilities of the Chair shall become those of the Vice-Chair.

## **Section 1.7 Clerk**

The Clerk shall coordinate with the Director of Planning and Community Development on all the written or oral communication of the Board with the public, as well as the clerical work of the Board. In the absence of the Chair and Vice Chair, the Clerk shall preside at meetings of the Board.

## **Section 1.8 Director of Planning and Community Development**

The Director of Planning and Community Development, or his or her designee, shall be responsible for all administrative action of the Board. In consultation with the Board and its Chair, he or she shall schedule associate members to sit and hear applications; coordinate all reviews and studies related to an application; conduct all correspondence of the Board, send out all notices required by law; receive and scrutinize all applications in compliance with the rules of the Board; keep dockets and minutes of the Board's proceedings; compile all required records; maintain necessary files and indexes and generally supervise all administrative work of the Board.

The Director shall be the official voice of the Board and the only proper point of contact with the public when the Board is not in session for all matters pending before the Board. The Director, in coordination with the Chair and Clerk, shall write all decisions. These powers are at all times subject to the direction of the Board and the Chair.

The docket of the Board shall be kept up to date and in a file, containing the case number of the application, the name of the applicant, a short description by street number or otherwise of the premises, the nature of the application and the final disposition. All continuances,

postponements, dates of sending notices and other administrative actions required to process the application shall be noted in the docket.

The minutes of the Board shall include the record of all meetings and hearings, the decision of the Board relating to each case, the vote of each member, those being absent so marked, and all other official actions of the Board.

### **Section 1.9 Recording Secretary**

The Director of Planning and Community Development shall employ a recording secretary to the Board and any other required clerical assistance, subject to appropriation.

### **Section 1.10 Quorum**

A quorum of the Board shall consist of four members when hearing, deliberating and deciding upon applications before the Board. A quorum for all other purposes shall consist of three (3) members. Said members may be in any combination of regular or associate members.

### **Section 1.11 Regular Meetings**

Regular meetings are usually held at the McCulloch Building, Whipple Center, Mary McElroy Meeting Room, 182 Green Street, Weymouth, MA or at another appropriate location as designated by the Director of Planning and Community Development; in consultation with the Chair. Meetings are usually scheduled on Wednesdays every three weeks except June, July, and August when the schedule may be reduced to one meeting per month. Additional regular meetings may be scheduled as needed. A meeting agenda will be generally limited to four cases, depending on the nature and complexity of the cases. When the agenda reaches four cases, the agenda may be closed and any further business scheduled for the next available meeting date. A meeting schedule should be created in November each year and the summer meeting schedule reviewed in the spring of each year.

### **Section 1.12 Special Meetings**

Special meetings may be called by either the Chair or the Director of Planning and Community Development on at least 48 hour notice in compliance with the State's Open Meeting Laws; provided that all regular and associate members are contacted in person, or by phone or electronic communication and that at least five of the nine members attend.

The order of business at all special meetings of the Board shall be as follows:

- A.** Roll Call
- B.** Communications
- C.** Old Business
- D.** New Business

### **Section 1.13 Regular Meetings and Public Hearings**

The order of business at all public hearings of the Board shall be as follows:

- A.** Chair will call the meeting to order.
- B.** Chair will review the agenda for the evening.
- C.** Chair will ask for a motion to open the public hearing on the first application on the agenda, unless another item is taken out of order.
- D.** Clerk will read the order of notice as it appears in the legal advertisement. A motion to waive the reading of the legal notice may be made and voted on.
- E.** Chair will call on the applicant to make their presentation to the Board including testimony of witnesses, if any. The applicant may appear in his/her own behalf, or be represented by an agent or attorney at said hearing. In the absence of any appearance on behalf of an applicant, the Board will proceed to act on the matter on the record before it.
- F.** Chair will seek questions from members of the Board.
- G.** Chair will seek comments and questions from staff, including any departmental review and comments from other town officials or agencies
- H.** Chair will seek testimony from citizens regarding the application, starting with any Town officials in attendance and remind speakers to state their name and address for the record.
- I.** Chair will provide opportunity for applicant to respond.
- J.** Chair will seek motions to close the public hearing, or continue the public hearing until a specific date and time.
- K.** The Board will deliberate and decide on the application or move to take the item under advisement and should continue the deliberation to a date certain.
- L.** Steps C. through K will be repeated, as necessary, until all applications on the agenda have been addressed.
- M.** Other business may be discussed.
- N.** The Board may, in its discretion, reopen any portion of the meeting, except for public hearings, closed in the same session.
- O.** Prior minutes will be approved.
- P.** Adjournment.

In the event of a continuation of a public hearing, the Board shall identify any additional information the Board feels is required to make a decision on the application. Any continuance shall identify the date, time, and location for any future session of the public hearing.

Following adjournment of a meeting where a public hearing was closed, the Board shall not accept any further information or testimony regarding an application from either the public or the applicant. Any material received after the close of the hearing shall be placed in a file clearly marked "Received after close of public hearing." Any such material shall not be distributed to Board members nor shall it be considered by the Board in any deliberations by the Board in rendering a decision.

The Board reserves the right to ask staff to seek clarification on any matter during the deliberations on an application.

The Board shall, after the close of the public hearing, conduct all review and deliberations in a public meeting, duly posted in accordance with Open Meeting Laws.

The order of business at all deliberations on applications after the public hearing of the Board shall be as follows:

- A.** The application and testimony will be discussed by the Board.
- B.** A motion shall be made with regard to the disposition of the application.
- C.** The Board shall make appropriate findings.
- D.** The Board shall make a decision with any conditions based on the findings.

## ARTICLE 2 APPLICATIONS

### Section 2.1 Application

A person may submit all applications to the Board of Zoning Appeals by:

- A. Registered mail to the Board of Zoning Appeals, % Town Clerk, 75 Middle Street, Weymouth, MA 02189, or by,
- B. Delivery, in person or by courier, to the Director of Planning & Community Development or duly authorized agent at the Department of Planning and Community Development, 75 Middle Street, Weymouth, MA 02189, during normal working hours of 8:30 A.M. to 4:30 P.M., Monday through Friday, holidays excluded. Hours are subject to change by the Mayor.

Applications shall be reviewed by the Director of Planning and Community Development, or his or her designee, to confirm all required contents are in the correct format to insure a properly executed application. The initial review of the application shall be to determine if all the required materials are included within the application and shall not be considered as any determination with respect to the quality of the information contained therein. A copy of the properly executed application shall forthwith be filed with the Town Clerk. Receipt of a properly executed application by the Town Clerk shall be the official time of filing.

Any person who submits an application shall file with the Board of Zoning Appeals at the Department of Planning and Community Development or Town Clerk all required items listed below to be considered "duly submitted" in accordance with these Rules and Regulations and the Zoning Ordinance; collated as follows:

- A properly executed application, signed by the Owner of Record and the Applicant, if not the owner, with six (6) full-size copies of appropriate plans (to scale) and with 20 copies reduced to 11 inches by 17 inches, to scale, or label all dimensions if the reductions are not to scale.
- The minimum filing fee as required by § 2.3 and the Board's current fee schedule.
- A digital copy of the plans as required by § 6.3.
- Site plans required by § 6.2.
- Floor plans as required by § 6.4.
- Elevation drawing as required by § 6.5.
- Soil survey and percolation tests, as required by § 6.6.
- Landscape plan as required by § 6.7.
- Lighting plan as required by § 6.8.
- Two (2) bound copies of a Storm Drainage Design / Stormwater Report, as required by § 6.9.
- Three (3) bound copies of traffic study, as required by § 6.10.

**Note:** The Department of Planning and Community Development will prepare a Parties of Interest List, commonly referred to as an abutters list, as required by MGL c. 40A, § 11.

### Section 2.2 Official Filing Date

The Town Clerk will receive all complete and correctly filled out applications for variances, special permits, comprehensive permits and / or appeals to overrule an administrative official or

the Inspector of Buildings, noting the time and date of acceptance. This becomes the legal date of filing. The Clerk's stamp does not validate an incorrect or incomplete form. New forms, if needed, must be reaccepted and re-dated by the Town Clerk when correct. Petitions for appeals to the Board of Appeals where a person is aggrieved by reason of inability to obtain a permit, or by enforcement action, from any zoning administrator(s) must be correctly filed within 30 days from the date said decision or order is filed with the Town Clerk.

Applications for variances or special permits or appeals to overrule an administrative official or the Inspector of Buildings will be available in the Department of Municipal License and Inspections. These must be filled out completely and correctly. Incomplete and incorrect applications may be rejected for filing and returned to the Petitioner, Applicant or Appellant.

Every application for action by the Board shall be submitted on the official form reviewed by the Director of Planning and Community Development or the Director's designee. These forms shall be furnished by the Director of Planning and Community Development, or his or her designee, upon request. Any communications purporting to be an application shall be treated as mere notice of intention to seek relief, until such time as it is made on the official application form. All information called for by the form shall be furnished by the applicant in the manner therein prescribed.

### Section 2.3 Fees

Each application shall be accompanied by a check payable to the TOWN OF WEYMOUTH for the required fee to cover administrative costs, in accordance with the list below:

Application Type	Base Rate	Plus Density increase	Plus DPW Plan review
Residential	\$150.00	Plus 150.00 for the 2 <sup>nd</sup> unit and each additional unit (maximum of 1,500.00)	<ol style="list-style-type: none"> <li>1. 200/lot for lots ≤ 25,000 square feet (s.f.), 1 set of utility services.</li> <li>2. \$300/lot for lots &gt; 25,000 s.f., ≤ 50,000 s.f., 1 set of utility services.</li> <li>3. \$400/lot for lots &gt; 50,000 s.f., ≤ 100,000 s.f., 1 set of utility services.</li> <li>4. \$500/lot for lots &gt; 100,000 s.f., 1 set of utility services.</li> <li>5. Add \$100/lot for each additional set of utility services.</li> <li>6. Add 20% of fee for each resubmittal, including resubmittal to incorporate DPW comments.</li> <li>7. For projects that do not involve the construction of a new, habitable, complete building/structure (i.e. additions, sheds, decks, pools, etc.) AND involve no utility work, the above fees are to be reduced by 50%.</li> </ol> <p><b>Utility services shall include, water, sanitary sewer and storm drain system.</b></p>
Non-residential	\$450.00	Plus 100.00 for the 2 <sup>nd</sup> 1,000 sq. ft. or floor area and each additional 1,000 sq. ft. or floor area.	See above.

Application Type	Base Rate	Plus Density increase	Plus DPW Plan review
		(maximum of 1,500.00)	
Comprehensive Permit (c. 40B)	\$1,000.00	Plus 150.00 for the 2 <sup>nd</sup> unit and each additional unit (maximum of 1,500.00)	See above.

Filing fees are established by the Mayor’s Office. Note that fees are subject to change and all applicants are urged to check with the office for the most current fee schedule in effect.

Each application shall include a separate bank check, certified check or money order, in the amount of \$47.05, or the current rate, payable to the Gate House Media MA to cover the cost of the required legal notice at a rate set by the publisher. In the event that additional legal notice is required, the Applicant shall be responsible for any and all advertising costs.

**Section 2.4 Materials Required for Hearing**

All plans or other required documentation must be received, in final form, by the Director of Planning and Community Development, or his or her designee, at the time of initial filing of the application as prescribed in § 2.1 and §6.1.

In the event that a hearing is continued and additional plans or other documentation are requested by the Board, the additional plans or other documentation shall be submitted to the Board at least 10-15 business days prior to the continued hearing date for the Board and Board’s review staff to have an opportunity to review all submittals prior to the public hearing. Requested materials received without time for Board members and the Board’s staff to review prior to the public hearing may result in a further continuation of the hearing and / or delay in rendering a decision of the application.

**Section 2.5 Parties of Interest**

Parties of Interest, as defined in MGL c. 40A § 11 include:

- A. The Petitioner or Applicant;
- B. The Property Owner;
- C. Abutters;
- D. Owners of land directly opposite on any public or private street or way;
- E. Abutters to abutters within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such Owner is located in another city or town;
- F. The Weymouth Planning Board; and
- G. The Planning Board of every abutting city or town: Abington, Braintree, Hingham, Holbrook, Hull, Quincy, and Rockland.

In addition to those listed above, the following shall also be included for all notifications regarding an application:

- A. Mayor;
- B. Town Council;
- C. District Councilor;
- D. Inspector of Buildings; and
- E. All agents for the Petitioner as noted on the application form.

## **Section 2.6 Advertisements**

All applications properly filed for hearing before the Board of Appeals will be advertised in a local newspaper at least once in each of the two weeks prior to the hearing. See § 3.3 for details.

## **Section 2.7 Posting of Notice of Hearing**

Notices of the hearings shall be posted and remain on the Town Clerk's bulletin board and in the Department of Planning and Community Development at least 14 days prior to the hearing date. In addition, notice shall be posted on the Town's website, [www.weymouth.ma.us](http://www.weymouth.ma.us), and shall appear at about the same time the notice is published in the local newspaper.

Notice of meetings shall include the date, time, location, and the agenda stating the order of business and shall be posted with the Town Clerk and in the Department of Planning and Community Development 48 hours in advance, excluding non-business days or holidays. In addition, the meeting notice and agenda are posted on the Town's website, [www.weymouth.ma.us](http://www.weymouth.ma.us) and appear relative to the time the notice is posted with the Town Clerk.

## **Section 2.8 Application Docketed**

Each application filed and accepted in proper form with complete plans and required information shall be numbered serially and docketed and shall then be placed upon the calendar of the Board by the Director of Planning and Community Development, or his or her designee. Advertising shall take place only after the application is considered complete.

Completed applications shall consist of all required forms, plans and supplemental material as prescribed in § 2.1. Applications deemed to be incomplete by the Director of Planning and Community Development, or his or her designee, shall be identified and processed as described in § 3.1.

## **Section 2.9 The Director of Planning and Community Development**

Upon receipt of an application, the Director of Planning and Community Development, or his or her designee, shall make a personal inspection of the premises, review the application including all required forms, plans and reports and shall be prepared to advise the Board on the physical condition of the property. The Director of Planning and Community Development, or his or her designee, may request from the Applicant such information and data as he may deem necessary to fully inform the Board with reference to the application in addition to such information required by the official forms. Any failure or refusal on the part of an Applicant to supply

requested information from the Director of Planning and Community Development, or his or her designee, may lengthen or delay the review process in deciding an application.

**ARTICLE 3  
APPLICATION PROCESS**

**Section 3.1 Application Docketed**

Each application filed and accepted in proper form with complete required information shall be numbered serially, docketed and shall be placed upon the calendar of the Director of Planning and Community Development, or his or her designee, acting as an agent of the Board.

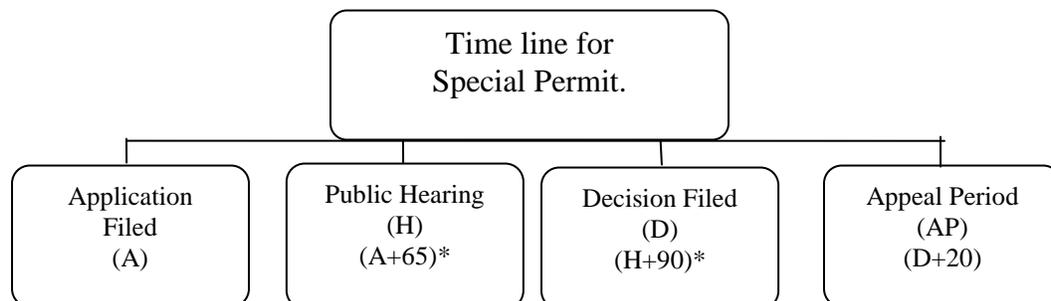
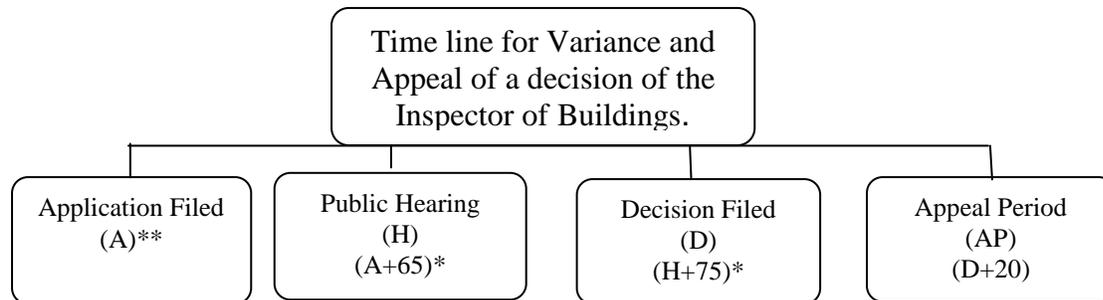
Completed applications shall consist of forms, plans, supplemental information and fees required in § 2.1. Applications deemed to be incomplete by the Director of Planning and Community Development, or his designee, shall not be accepted or docketed, but shall be returned to the Applicant with an explanation noting all discrepancies.

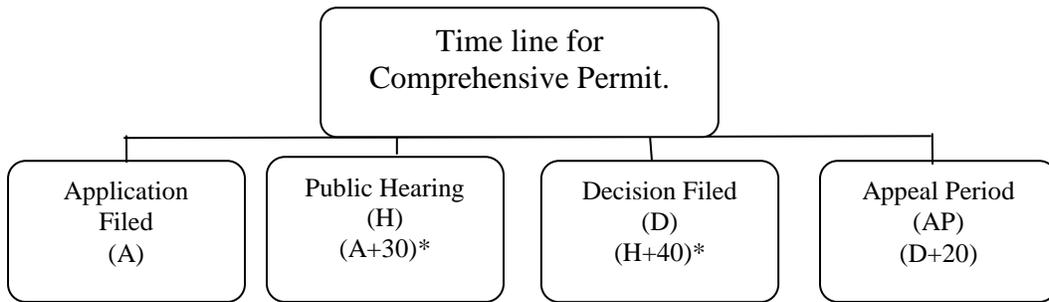
All applications shall be scheduled for processing in the order of receipt. No schedule will be considered until such time as an application is complete, filed with the Town Clerk, and then docketed by the Director of Planning and Community Development, or his or her designee.

The Owner and the Applicant, by filing an application, authorizes the members of the Board, the Director of Planning and Community Development, and his or her designee (s) to enter upon the property to make inspections.

**Section 3.2 Application Timelines**

All completed applications to the Board of Appeals shall follow the time schedules as follows.





\* The required time limits for a public hearing and decision may be extended by written agreement between the petitioner and the Board.

\*\* Any appeal of an order or decision by the Inspector of Buildings shall be duly filed with the Board of Appeals within 30 days from the date of the order or decision.

### Section 3.3 Referral to Town Agencies

The Board may, as a matter of routine, transmit copies of an application and plan(s) with appropriate documentation as required to other Town Agencies for their review and comment. A copy of the plan(s) may be forwarded, asking for written statements with regard to the application and plan(s) in the following respect:

Municipal Licenses and Inspection Department	As to compliance with Zoning Ordinance and verifying zoning relief.
Conservation Division	As to potential involvement with MGL c. 131, § 40 and local wetland ordinances.
District Councilor	As to any concerns or issues that may impact on residents and constituents.
Fire Department	As to street name and to location and adequacy of hydrants and alarm system.
Health Department	As to suitability of the land with regard to septic systems, drainage, environmental or hazardous conditions, rubbish collection and disposal, and food service operations.
Historical Commission	As to Demolition Delay, National Register District, and local historic concerns.
Mayor	As to any concerns or issues deemed relevant to the application.
Municipal Finance Department	As to payment of all property taxes and municipal fees on the referenced property.
Police Department	As to street name and vehicular and pedestrian safety.
Public Works Department Engineering Division Highway Division Sewer & Water Division	As to the design of the street system, location of easements, monuments, drainage system, water system, sewerage system, and any street lights.
School Department	As to school busing and districting.
Town Council	As to any concerns or issues that may impact residents and constituents.
Traffic Engineer	As to traffic and parking concerns.

The above list of Town Agencies are routinely sent a referral on applications before the Board. This list is not automatic and the Director of Planning and Community Development, or his or her designee, may add or delete agencies as deemed necessary, for the proper review of any application or request before the Board.

### **Section 3.4 Notice and Notification**

Notice of a public hearing shall be held within prescribed time periods depending on the type of application as noted in § 3.2.

Within the required time periods as noted in § 3.2, the Board of Zoning Appeals shall conduct a public hearing. A public hearing shall be conducted in an open meeting of the Board of Zoning Appeals with notice of the special permit application posted and sent as prescribed and described below.

A public hearing notice shall be:

1. Given in a newspaper of general circulation in Weymouth once in each of two successive weeks. The first publication shall be not less than 14 days before the day of the hearing. The Board generally publishes notice of hearings in the Weymouth News. Notices may, as an alternate, be published in the Patriot Ledger. The newspaper shall be at the discretion of the Director of Planning and Community Development, or his or her designee.
2. Posted in a conspicuous place in the Town Hall for a period of not less than 14 days before the date of the hearing. Posting in the Town Hall shall be in two places. One copy is given to the Town Clerk and a second copy is posted in the Department of Planning and Community Development.
3. Additional notice and posting of public hearing and meetings shall be done in accordance with § 2.7.

The hearing notice shall be sent by mail, postage prepaid to all “Parties of Interest” as described in § 2.5.

The Board of Zoning Appeals shall be responsible for generating all names and addresses for mailings. The assessors maintaining any applicable tax list shall certify to the Board of Zoning Appeals the names and addresses. Such certification shall be conclusive for all purposes.

A facsimile of the hearing notice format is shown below:

<p>TOWN OF WEYMOUTH (SEAL) BOARD OF ZONING APPEALS</p> <p>Notice is hereby given of a public hearing of the Board of Zoning Appeals of the Town of Weymouth under MGL Ch. 40A, Sec. 14, of the General Laws and Code of the Town of Weymouth, Chapter 120, Articles 24 &amp; 25 to be held at:</p> <p>TIME DATE MC CULLOCH BUILDING, MC ELROY MEETING ROOM 182 GREEN STREET WEYMOUTH, MASSACHUSETTS</p> <p>On the following case or cases:</p> <p>Case # <u>(INSERT CASE #)</u> - <u>APPLICANT</u> for property at <u>STREET ADDRESS</u>, also shown on the Weymouth Town Atlas Sheet <u>XX</u>, Block <u>XXX</u>, Lot <u>XX</u>, located in a <u>(TYPE)</u> zoning district seeking a special permit and/or variance under Chapter 120-<u>INCLUDE ALL ZONING ORDINANCE SECTIONS AND/OR MAP REFERENCE</u>. The applicant is proposing <u>SUMMARY OF ACTION PROPOSED</u>.</p> <p>Plans for the above hearings are on file at the Department of Planning and Community Development, 3<sup>rd</sup> floor, Town Hall, 75 Middle Street, Weymouth, for review Monday through Friday between 8:30 A.M. and 4:30 P.M. and available on the Board's webpage at <a href="http://www.weymouth.ma.us">www.weymouth.ma.us</a>.</p> <p>Weymouth Board of Zoning Appeals</p>
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### **Section 3.5 Peer Review**

The Board of Zoning Appeals may request the services of an outside consultant to conduct a peer review for any part of an application where Town resources are not available or there is a need for a specialized review.

A peer review may be requested of an applicant by the Board. The Board shall determine the scope and the Applicant shall be required to pay for a peer review.

The Director of Planning and Community Development, or his or her designee, shall solicit proposals and hire a qualified expert in the field. The applicant shall deposit with the Town an appropriate amount of funds to pay for the services.

A report from the consultant shall be made to the Board for their deliberations.

All peer review processes and procedures are subject to MGL c. 44, § 53G.

### **Section 3.6 Public Hearing**

Hearings shall be held at the the McCulloch Building, Whipple Center, McElroy Meeting Room, 182 Green Street, Weymouth, MA, or at another appropriate location as designated by the Director of Planning and Community Development, or his or her designee, in consultation with the Chair.

All hearings and discussions of issues before the Board of Appeals shall take place in public, and all interested persons shall be given adequate time to express their opinions fully.

A public hearing shall follow the order prescribed in § 1.13.

The Chair shall maintain appropriate order and focus for the proper workings of the Board.

The Board may temporarily recess further discussion on any case until later in the agenda or continue the hearing on a subsequent day. Any recess or continuation shall be made by a vote of the Board, and shall include the date, time and location of when and where the hearing will be reconvened.

The Applicant or any party of interest may appear in their own behalf, or be represented by an agent or attorney at said hearing. In the absence of any appearance on behalf of an applicant, the Board will proceed to act on the matter on the record before it.

Interested Parties may file a brief to the Board or Department, either endorsing or opposing a petition, at any time prior to closing the hearing for testimony.

### **Section 3.7 Changes in Project**

During a hearing and before it is closed for public discussion, the Applicant may decrease the scale of the proposal before the Board (fewer units to be built, less square footage, less lot line setback encroachment, etc.).

The Board may request additional information, and plan modifications of the applicant. A minimum of twelve (12) sets, or other number determined by the Board's staff, of the revised plans and material will be redistributed to relevant Town staff departments and shall be submitted with enough time to allow for appropriate Board and staff review. Revised material shall be submitted a minimum of 10 to 15 business days in advance of the continued hearing or longer, depending on the material requested or other time determined by the Board and Board's staff.

An applicant who wishes to increase the scale of the proposal (additional units to be built, more square footage, increased lot line setback encroachment, etc.) must withdraw the current petition, without prejudice, and resubmit a new application.

### **Section 3.8 Deliberations and Decisions**

Within the time limits as noted in § 4.3 and following the date of the public hearing, the Board of Zoning Appeals shall take final action on the application. Failure of the Board of Zoning Appeals to take final action within the specified time limits shall be deemed to be a grant of the application.

During the deliberations, the Board shall limit their review and evaluation to the application and all documentation, testimony, and all materials received up to the close of the public hearing. Staff of the Department of Planning and Community Development shall be available for any technical questions regarding zoning.

The Board of Zoning Appeals shall review the application for adherence to the review criteria of § 120-122.D of the Zoning Ordinance. In addition, where so noted in the Zoning Ordinance, the

Board of Zoning Appeals shall review the application for adherence to all other review criteria within the Zoning Ordinance. The Board shall make findings for each application, citing their reasons where an application adheres to or does not adhere to the review criteria of the Zoning Ordinance. Section 120-122.D is reprinted here for reference purposes:

- A. The specific site is an appropriate location for such a use.
- B. The use involved will not be detrimental to the established or future character of the neighborhood or town.
- C. There will be no nuisance or serious hazard to vehicles or pedestrians.
- D. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- E. The public convenience and welfare will be substantially served.

In certain applications there may be other sections of the Zoning Ordinance that require additional findings for the Board to review as criteria in making a decision on an application.

The Board of Zoning Appeals, in approving a special permit, may attach conditions to a decision. Any conditions and safeguards may be attached as are necessary within the criteria as set forth in § 120-122.C. of the Zoning Ordinance. Section 120-122.C is reprinted here for reference purposes:

- A. Requirement of front, side or rear yards greater than the minimum required by this ordinance.
- B. Requirements of screening of parking areas or other parts of the premises or from the streets by walls, fences, planting or other devices, as specified by the special permit granting authority.
- C. Limitation of size, number of occupants, method or time of operation or extent of facilities.
- D. Regulation of number, design and location of access drives or other traffic features.
- E. Requirements of off-street parking or other special features beyond the minimum required by this or other applicable bylaws, codes or regulations.

The Recording Secretary shall be present at all meetings in order to capture salient points of discussion. The minutes shall be delivered to the Department of Planning and Community Development Board for proofreading and to be stamped “draft”. The draft set of minutes shall be forwarded to the Board members for acceptance at the next regularly scheduled meeting of the Board. The Board shall vote to approve or amend the minutes, and an officer of the Board shall sign the minutes. The certified minutes and decision, the application, and any additional material submitted shall constitute the complete record of proceedings for an application.

**When a decision is signed, the decision of the Board is considered official.**

Filing of minutes shall follow the procedure of § 3-108 of the Code of Ordinances, Town of Weymouth.

### **Section 3.9 Recording Decisions**

Upon the filing of the decision of an application with the Town Clerk, a 20 day appeal period shall begin.

Any person aggrieved by a decision of the Board may file an appeal pursuant to MGL c. 40A, § 17, within the statutory 20 day appeal period.

### **Section 3.10 Appeal**

Upon completion of the appeal period, the Town Clerk shall certify that no notice of appeal has been taken within the statutory 20 day appeal period.

Said certification shall be mailed to the Applicant. It is the responsibility of the Applicant to record the decision of the Board in the Registry of Deeds and / or Land Court, as appropriate. A receipt of such recording shall accompany any application for a building permit.

### **Section 3.11 Effective Length of a Decision**

Any decision by the Board of Zoning Appeals shall become effective upon the date when the Town Clerk certifies no appeal has been taken.

Per MGL c. 40A, § 9: A special permit shall lapse within two years from the effective date “If a substantial use thereof has not sooner commenced except for good cause, or in the case of permit for construct, if construction has not begun by such date except for good cause.

Per MGL c. 40A, § 10: If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to this article.

### **Section 3.12 Public Records**

All applications, supplemental materials, and written correspondence regarding an application filed with the Board of Zoning Appeals is open for inspection and review in the Office of Planning and Community Development located in the Town Hall, 75 Middle Street, Weymouth, MA 02189 and the Town’s website at [www.weymouth.ma.us](http://www.weymouth.ma.us). Copies of any material will be made available, upon request, at a cost of \$0.25 per page.

**ARTICLE 4**  
**DECISIONS AND DISPOSITIONS**

**Section 4.1 Voting Requirements**

No appeal, variance or petition may be granted unless four members of the Board of Appeals vote in favor. If only four members are present at any hearing, the Board may, at its discretion, if requested by the Applicant, move the hearing date forward so that a five-member Board will hear the petition.

The concurring vote of four members of the Board shall be necessary to reverse any order or decision of the Inspector of Buildings or other administrative official or to decide in favor of the Applicant on any matter upon which the Board is required or authorized to pass or to effect a variance and / or special permit in the application of the Zoning Ordinance.

The record shall show the vote of each member upon each question. In all cases where relief is granted to the Petitioner or Applicant, the record shall set forth clearly the reason or reasons for its decision.

**Section 4.2 Withdrawal**

Any petition for a variance or application for a special permit which has been transmitted to the Board of Zoning Appeals may be withdrawn without prejudice by the Petitioner prior to the publication of the notice of a public hearing thereon but thereafter may be withdrawn without prejudice only with the approval of the Board.

**Section 4.3 Notice of Decisions**

The Board must render a decision within 75 days from hearing an application for a variance or an appeal. It must render a decision within 90 days from the close of hearing on a special permit and 40 days from the close of hearing for a comprehensive permit. After a decision has been in effect for 20 days, as noted by the Town Clerk, if there is no appeal of said decision filed, a copy of the decision shall be sent to all Parties of Interest as noted in § 2.5.

**Section 4.4 The “Mullen Rule”**

In accordance with MGL c. 39, § 23D and enacted by Town Council as Measure # 08-047, a board or committee member may miss one session of a hearing without disqualification. In the event a member cannot make a public hearing session, the member must notify the Director of Planning and Community Development of upcoming absence. The Director shall arrange to have the meeting taped by audio and if possible by video. At the start of the public hearing, the Chair shall inform those in attendance that the member named will not be able to attend, but shall remain on the case under the provisions of the Mullen Rule. The hearing shall proceed and testimony given. Following the public session, the Member will contact staff and arrange to review evidence and the proceeding. The absent member will sign a certificate to the effect that the material and transcript were reviewed and the certificate shall be maintained as a part of the record. After the certificate is entered into the record the member may vote on the application.

Following is a facsimile of the certificate a Board member shall sign.

**CERTIFICATION PURSUANT TO M.G.L. C. 39 §23D**  
**OF PARTICIPATION IN A SESSION OF AN ADJUDICATORY HEARING**  
**WHERE THE UNDERSIGNED MEMBER MISSED A SINGLE HEARING SESSION**

**RE: (       CASE ADDRESS       ), (       CASE #       )**

I, (       NAME       ), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of the Town of Weymouth Board of Zoning Appeals
2. I missed a hearing session on the matter of (       CASE ADDRESS       ), (       CASE #       ), which was held on (       DATE       )
3. I reviewed all of the evidence introduced at the hearing session I missed, which included a review of the following:  
  
       audio recording of the missed hearing session.  
       video recording of the missed hearing session.  
       a transcript of the missed hearing session.  
       all exhibits submitted at the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this     day of             , 20      

\_\_\_\_\_

(NAME)

Received as part of the record of the above matter:

Date: \_\_\_\_\_

By: \_\_\_\_\_

(Name and Title)

## **ARTICLE 5 POLICY**

### **Section 5.1 Personal Appeals and Advice**

Any advice, opinion or information given to any Board member by the Director of Planning and Community Development or any other official or employee of the Town of Weymouth shall not be binding on the Board.

It is declared to be the policy of the Board to discourage any personal appeals or discussions with the public outside of the public hearing sessions while a case is pending.

### **Section 5.2 Amendments and Authority**

These Rules may be amended by a majority vote of the members of the Board present, provided that such amendment shall be presented in writing at a duly posted Board meeting and action taken.

These Rules and Regulations were initially adopted by a unanimous vote at a special meeting of the Weymouth Board of Zoning Appeals held on June 15, 2011 and further amended on December 3, 2014.

Said Rules and Regulations to become effective when filed with the Town Clerk on June 16, 2011 and the amended version filed on December 8, 2014.

**ARTICLE 6  
PLANS AND SUPPLEMENTAL MATERIAL**

**Section 6.1 General**

All plans or other required documentation must be submitted in final form to the the Director of Planning and Community Development, or his or her designee, at the time of initial filing of the application for a special permit or variance or appeal of a decision of the Inspector of Buildings.

All petitions for dimensional variances and / or special permits shall be accompanied by six (6) to scale full-size copies of all plans and 20 reduced (no larger than 11 inches by 17 inches) size plans.

All full-sized drawings and plans, if larger than 11 inches by 17 inches shall also be accompanied with a reduction to 11 inches by 17 inches of all sheets.

The provisions of this Section may be modified or waived by the Director of Planning and Community Development. Requests for any waiver shall be submitted with the completed application and the reason(s) stated for the waiver.

Copies of other decisions by Town Agencies relative to the case shall be included by the Petitioner. These will include decisions of the Planning Board, Conservation Commission, Board of Licensing Commissioners and others as may be necessary.

All petitions for dimensional variances and / or special permits shall be accompanied by six full -sized copies of all site plans and 20 reduced (no larger than 11 inches by 17 inches). Site plans shall be stamped by a registered professional engineer or land surveyor of recent date to accurately reflect current conditions, showing:

- A.** The Applicant's property under consideration and boundary information drawn to scale: the scale to be appropriate to show proposed improvements and existing conditions including drainage and topography, building setbacks, parking layout and dimensions, landscaping, dumpster location, fencing, zoning classifications and district lines, line of watershed protection and groundwater protection districts, line of vegetated wetlands and limits of 100 foot buffer zone.
- B.** The plan shall include the Owner's name and address as well as Weymouth Assessor's Sheet, Block and Lot number.
- C.** All plans shall include six (6) copies of full sized scaled drawings and 20 copies of a reduction to no more than 11 inches x 17 inches of all sheets.

All petitions for dimensional variances and / or special permits involving a new building or addition to an existing building shall be accompanied by six full-size and 20 reduced sized-copies to no larger than 11 inches x 17 inches of preliminary architectural elevations and plans for the Board which shall include but not be limited to:

- A.** Floor plans of all floors shall be drawn to scale appropriate to show existing conditions and proposed improvements including exterior finishes;

- B.** Elevations shall be drawn to scale appropriate to show the intent and character of proposed structures including any additions;
- C.** Drawings shall show all overall dimensions (including the height), gross floor area and calculations for required parking; and
- D.** All plans shall include six full-sized scaled drawings and 20 copies of a reduction no greater than 11 inches x 17 inches of all sheets.

## **Section 6.2 Site Plans**

The Applicant's property under consideration and boundary information drawn to scale: the scale to be appropriate to show proposed improvements and existing conditions including drainage and topography, building setbacks, parking layout and dimensions, landscaping, dumpster location, fencing, zoning classifications and district lines, line of watershed and groundwater protection districts, line of vegetated wetlands and limits of 100 foot buffer zone, and all structures within 50 feet of locus. Plans shall show existing conditions at the time of application.

Drawings shall show all overall dimensions and calculations for required parking.

The site plan shall be prepared by a Professional Architect, Engineer, Landscape Architect and / or Land Surveyor, as required; who shall be registered in Massachusetts.

The plan shall be at a scale of one inch equals forty feet, or such other scale as the Board may accept to show details clearly and adequately. Any street and / or utility profiles shall be at a scale of one inch equals 40 feet horizontal and one inch equals four feet vertical. All elevations shall refer to the Town of Weymouth Datum. All plans shall contain the following information:

- A.** A title, appearing in the lower right-hand corner of the plan, showing the name of the proposal, if any; the date; scale; the names of the designer; the names of the professionals who made the plan with their signature and stamp;
- B.** North point, whether true, magnetic or grid benchmark and so indicated, and boundaries of the parcel(s);
- C.** Location and ownership of abutting property;
- D.** Major features of the land, such as vegetated wetlands and bordering vegetative wetland areas, as required by MGL c. 131, § 40 and c. 119 of the Code of the Town of Weymouth, natural drainage courses, walls, fences, buildings, paved areas, trees 12 inches in diameter measured four feet above the ground (dbh), wooded areas, outcroppings and ditches which exist on or near the site at the time of survey;
- E.** Lines of existing and proposed streets, ways, lots, easements, and public or common areas within the proposed area;
- F.** Sufficient data to determine the location, direction and length of every street and way line, lot line, easement and boundary line, and to establish these lines on the ground;
- G.** Location of all permanent monuments properly identified as to whether existing or proposed;
- H.** The zoning district classification of land shown on the plan and the location of any zoning district boundaries that abut the locus of the plan, including notice of any decisions by the Board of Zoning Appeals, pertaining to, but not limited to, variances and

exceptions regarding the land or any buildings thereon. The applicable minimum front, side and rear yard depths for each lot as is required by the Zoning Ordinances;

- I. Sheet, Block and Lot number(s) from the Town Atlas;
- J. Existing and proposed topography at 2 feet contour intervals. The date of the field survey used to determine all surface water elevations shall be noted;
- K. Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances and/or sewage disposal systems, storm drains and their appurtenances, and easements pertinent thereto, and dimensions of gutters or swales, including data on borings and percolation tests made, and method of conveying water to the nearest watercourse or easements for drainage as needed, whether or not on the subject property;
- L. If stormwater drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the applicant, he/she shall clearly indicate what course the discharge will take and shall present to the Board evidence from the Department of Public Works or the owner of adjacent property that such discharge is satisfactory and permitted by public or private ownership of adjacent street or property;
- M. Typical cross sections of each street, roadway, parking lot and sidewalk to be constructed;
- N. Location of proposed street lights, and pedestrian lighting;
- O. All Special Flood Hazard Areas as listed in the Zoning Ordinance shall be shown on all plans.

### **Section 6.3 Digital Site Plans**

Digital site plans shall be required in all cases where there is:

- A. A change in lot line.
- B. Creation of an easement for municipal utilities.
- C. Layout for a new Right of Way.

The town of Weymouth requires that all digital plan submittals conform to Level III of the most recent version of the *MassGIS Standard for Digital Plan Submittals to Municipalities*. This requirement is in addition to any other requirements of the town and is not intended to replace any traditional hardcopy plans. Copies of the standard are available on the Town of Weymouth and MassGIS websites, [www.WeymouthReg.txt](http://www.WeymouthReg.txt) and [www.MassGISReg.txt](http://www.MassGISReg.txt), or in the office of the department requiring the submittal.

The standard requires a comprehensive plan view of the affected construction area called a Standard Digital File (SDF). The SDF is a subset of the graphic layers from the CADD file used to create development plans. It is not simply a copy of the CADD file used to create development plans. The SDF must comply with all the survey/engineering requirements of the submitted hardcopy plan including the use of the Town of Weymouth Elevation Datum (NGVD29 + 5.83'). The graphic specifications for the SDF are included in the above referenced standard. SDF templates are available as AutoCAD drawing files (.dwg, .dxf) on the Town and MassGIS websites. The Town of Weymouth has a template that includes locked reference layers specific

to the Town available for download at [www.Weymouth.Template.dwg](http://www.Weymouth.Template.dwg) or by request through the DPW Engineering Division. The template made available through MassGIS at [www.MassGISTemplate.dwg](http://www.MassGISTemplate.dwg) is intended to have a broader application and therefore does not include layers specific to the Town of Weymouth. This data can be provided by the Town of Weymouth GIS Administrator. Required SDF features include only those features listed within this Section.

All digital SDF plans must be submitted on a compact disc with the necessary identifying information as indicated in the *MassGIS Standard for Digital Plan Submittals to Municipalities*.

#### **Section 6.4 Floor Plans**

Floor plans shall be submitted for all applications for construction, expansion or alteration.

Floor plans of all floors drawn to scale appropriate to show proposed improvements and existing conditions. Drawings shall show all overall dimensions and gross floor area, include the property address, scale, legend, the name of preparer and the date. Professional plans prepared by a Registered Architect or other design professional may be required.

#### **Section 6.5 Elevation Drawings**

Elevations drawn to scale appropriate to show the intent, color and character of the building. Elevations are required for each side of the structure that shows any alteration subject to action by the Board.

Plans shall include reference to building height from ground level. Plans must reference at a minimum the maximum point of height from ground level; and must include fixtures which exceed building height (i.e., air conditioners, tanks, antenna etc.); label the exterior finishes and construction materials and must include the property address, scale, legend, name of preparer, and the date. Professional elevations prepared by a Registered Architect or other design professional may be required.

#### **Section 6.6 Soil Survey and Percolation Tests**

Soil survey data is required for the area within the plan shall be shown by a copy of the appropriate section of the Weymouth, Norfolk Soil Map.

Test borings and / or test pits are required for all projects where there is:

- A. Proposed excavation for any building parking, driveway or utility installation where the soil map indicated a shallow depth to bedrock, a ledge outcropping or vegetated wetland is found within 10 feet of the right of way;
- B. Noted already; and
- C. Location of any drainage detention/retention structure whether above or below grade.

#### **Section 6.7 Landscape Plans**

Note: A landscaping plan is required for any project except a single family dwelling.

Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.

Landscape plans shall be superimposed on the site plan and contain the following items at a minimum:

- A.** The name and address of the person preparing the Landscape Plan;
- B.** The locations, dimensions and areas for proposed landscaping areas;
- C.** Differentiate between developed and undeveloped / natural areas of a parcel, and areas set aside for future development;
- D.** Existing and proposed walls and fences (type and height, with details as applicable);
- E.** The location and / or arrangement of proposed plantings, showing actual location for each plant (show ground cover planting limits instead of individual plants);
- F.** Existing natural vegetation to be incorporated into formal landscaped areas;
- G.** Cross-sections of typical planting and berm areas; and
- H.** Stormwater management ponds, basins and swales, if the side slopes of these stormwater management facilities are proposed to contain some of the required landscaping materials.

A planting schedule of proposed plants shall include the following:

- A.** Plant types, with both common name and botanical names;
- B.** Amounts / number of plants;
- C.** Caliper size of deciduous trees measured at 6 inches above grade (nursery standard), and caliper size of evergreen trees measured at 3 feet above grade (forestry standard);
- D.** Proposed minimum heights of conifer trees and plantings;
- E.** Spacing of proposed plantings/shrubs, and other relevant conditions of the plants; and
- F.** Gallon sizes of shrubs and groundcover.

## **Section 6.8 Lighting Plans**

Note: A lighting plan is required for any project except for a single family-dwelling.

Lighting plans shall contain the following information:

- A.** Location and mounting information for each light. The submission shall include, in addition to existing and proposed area lighting, all other exterior lighting, e.g., architectural, building-entrance, landscape, flag, sign, etc.;
- B.** Illumination calculations showing light levels in foot-candles at points located on a 10 foot on center grid; which demonstrates 0.0 foot-candles at the property lines;

- C. A fixture schedule listing fixture design, type of lamp, and wattage of each fixture;
- D. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods; and
- E. When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

## **Section 6.9 Storm Drainage Design / Stormwater Reports**

All applications shall comply with the current Department of Public Works (DPW) Rules, Regulations, and Construction Specifications (DPWRRCS). All stormwater management systems shall be designed, installed and maintained in accordance with the Regulations herein to provide adequate disposal of surface water with regard to quantity and quality, including control of erosion, sedimentation, flooding, and standing water from or in the site development and adjacent lands. All stormwater management systems shall be subject to approval by the Board of Zoning Appeals and / or the Department of Public Works (DPW), as applicable, and shall adhere to the standards set forth below.

### **A. Drainage Design and Construction**

1. All design and construction shall be in accordance with the current specifications of the DPW and DEP Stormwater Management Standards and any amendments thereto.
2. Adequate provision using site planning, source controls and pollution prevention, as well as DEP Best Management Practices, shall be made for the disposal of all stormwater collected on streets, roofs or other impervious surfaces through a stormwater management system which will not have adverse impacts on abutting or downstream properties.
3. The current versions of the Massachusetts DEP Stormwater Management Policy Handbook and Stormwater Management Standards adopted by the DEP for controlling stormwater are incorporated into these Rules and Regulations, by reference.
4. The biological and chemical properties of the receiving waters will not be degraded by the stormwater run-off from the development site, using the best practicable measures. Provision for attenuation of runoff pollutants shall be incorporated into the stormwater management design. Every stormwater management system shall demonstrate that it shall provide a minimum of 80% Total Suspended Solid (TSS) removal.
5. An Operation and Maintenance Plan (OMP) shall be provided for the proper maintenance of the stormwater management system and to ensure that systems function as designed, in accordance with DEP Best Management Practices. All components of the stormwater management system located on the project site shall be the responsibility of the property owner as to its long-term maintenance.
6. A Long Term Pollution Prevention Plan shall be provided (as required by the Massachusetts Stormwater Management Policy Manual, Standard 4). The plan shall include measures to prevent illicit discharges to the stormwater management system,

including wastewater discharges and discharges of stormwater contaminated by contact with process wastes, raw materials, toxic pollutants, hazardous substances, oil, or grease.

7. If required, connections with any existing drains owned by the Town of Weymouth shall require a Drain Connection Permit issued by the DPW and shall be constructed in accordance with current DPW specifications. Connections shall only be made to storm drain facilities which are deemed adequate by the DPW, and to which the Town has adequate maintenance access. The applicant shall show on the site development plan the size and location of existing storm drain facilities that the project site will connect to. If, during construction, any drainage provisions should be found to be inadequate or omitted, because of conditions encountered during actual construction, the DPW shall require that such additional drainage facilities as are necessary be constructed by the developer at his expense. All field changes to the stormwater management system must be reviewed and approved by the DPW and the Town Engineer.
8. The proposed site development will not increase the rates, concentration or velocity of runoff, and it will minimize the volume increase of runoff from the project site to the Town's drainage system or adjoining properties, to the satisfaction of the Town Engineer and the DPW. The design of every stormwater management system shall demonstrate that no increase in off-site runoff rates or flooding for the 2, 10, 25 and 100-year storm events shall occur.
9. A sufficient number of soil evaluations shall be performed in areas to be used for infiltration, detention and retention to determine the seasonal high ground water elevation, soil types and percolation rates. The soil evaluations must be performed by a Massachusetts Approved Soil Evaluator.
10. Project sites shall be graded as to prevent low spots that will not drain and create a public nuisance and to prevent excessive erosion. Where low spots cannot be avoided, they shall be drained by means of a drain pipe no smaller than 12 inches in diameter, and catch basins or other approved inlet structure.
11. Manholes shall be located at any change in direction or slope of a drain pipe. Catch basins shall be connected to manholes and not to other catch basins.

## **B. Drainage Calculation Report**

The drainage calculation report shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, calculation of the size and area of any existing impervious areas to remain as well as any proposed impervious areas, and proposed best management practices for the permanent management and treatment of stormwater. The drainage calculation report shall also contain sufficient information for the BZA and DPW to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The drainage calculation report shall contain drawings and narratives that fully describe the project and shall be in accordance with the criteria established in the Regulations and must be submitted with the stamp and signature of a Licensed Professional Engineer (PE) licensed in the Commonwealth of Massachusetts.

1. Drainage Calculations are required for:

- a. All applications having 7,500 square feet or more of impervious area. (This is the total amount of impervious area on the property counting any existing impervious area to remain as well as proposed impervious area.)
    - b. Any application showing a proposed stormwater management system.
  2. Drainage calculations shall be based upon the following:
    - a. Soil Runoff Curve Number(s) (RCN) shall be based on land use and type of land cover, and soil hydrologic group for each watershed area or sub-watershed area. Soil types shall be determined by creating (and providing with the application) a plan showing the site and the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) soil classifications that exist on the site. TR-55 shall be used for calculating RCNs and/or weighted average RCNs if applicable.
    - b. TR-55 shall be used for calculating the Tc for sheet flow, shallow concentrated flow, & channel flow.
    - c. The model TR-20 shall be used for developing hydrographs for the required design storms and for determining peak discharge rates and runoff volumes. Analysis shall be provided for the 2-year, 10-year, 25-year, and 100-year 24-hour storms. The specified design storms shall be defined as a 24-hour storm using the rainfall distribution recommended by the Northeast Regional Climate Center “Atlas of Precipitation Extremes for the Northeastern United State and Southeastern Canada”, and selection of data shall be specific to the South Shore of Massachusetts.
    - d. Infiltration structures shall be placed only in type A, B or C soils as designated by the United States Soil Conservation Service. The systems shall be sized based on Rawls Infiltration Rates (see Table 2.3.3 under Volume 3 of the Massachusetts Stormwater Management Standards).

**3. A Drainage Calculation Report shall be bound and include the following information:**

An applicant shall provide two (2) copies of the Drainage Calculation Report to the Weymouth Board of Zoning Appeals (BZA) to allow the BZA and DPW to evaluate the design of the proposed stormwater management system.

- a. Project Narrative that includes, at a minimum, a description of existing and proposed site conditions; existing and proposed stormwater management systems; SCS soils information; field test results and a summary of calculation methods.
  - b. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Regulations. Such calculations shall include:
    - i. Description of the design storm frequency, intensity and duration;
    - ii. Time of concentration for each watershed area;
    - iii. Soil Runoff Curve Number(s) based on land use and soil hydrologic group for each watershed area;
    - iv. Peak runoff rates and total runoff volumes for each watershed area;

- v. Runoff and routing hydrographs together with the input and structure data;
  - vi. Infiltration rates, where applicable;
  - vii. Culvert capacities; and
  - viii. Flow velocities.
- c. Separate drainage area plans at a suitable readable scale shall be submitted with all stormwater calculations, one for pre-development conditions, and one for post-development conditions. These plans shall show sub-watersheds, flow paths for calculating Tc, NRCS soils, and land cover types. The drainage area plans shall include any offsite area, which flows onto the site.
  - d. Soil Evaluation reports, if required.
  - e. Summary of all assumptions used to develop the data.
  - f. References used to develop the report and justify assumptions used.
  - g. A summary table indicating pre and post development peak discharge rates and total volume of runoff at each control point and flood elevations as applicable shall be included in the report.
  - h. TSS Removal Calculation Worksheets.
  - i. Operation and Maintenance Plan.
  - j. Long Term Pollution Prevention Plan.
  - k. DEP Checklist for Stormwater Report.

### **Section 6.10 Traffic Impact Study & Analysis**

A traffic impact study shall be required for any application that meets or exceeds the threshold criteria of this section. All traffic criteria may be modified by the Director of Planning and Community Development to best meet the traffic issues of a particular application. A preliminary meeting with the Planning Department is recommended to define the traffic study elements that are required for a specific project.

#### **A. On a state numbered route:**

- 1. All commercial (any land use that is not single or two-family residential, usually owned or operated for profit).
- 2. Residential greater than 10 units.

#### **B. Within 100 feet of a principal or minor arterial (nearest corner radius point of tangency):**

- 1. All commercial (any land use that is not single or two-family residential, usually owned or operated for profit).
- 2. Residential greater than 10 units.

#### **C. All other locations:**

- 1. Any project with drive-through window service.

2. All commercial uses with retail sales and/or services
3. Any commercial without retail sales and/or services containing 5,000 or more square feet gross floor area.
4. Any residential use greater than 20 units.

### **Study Area**

- A. Define the study area to include all roadways and intersections that would be significantly impacted by the proposed development.
- B. Include a scale plan of the study area showing all the intersections and roadways included in the study.

### **Data Collection and Analysis**

- A. Traffic counts - Existing A.M. and P.M. peak hour traffic volumes (and Saturday peak hour volume counts if needed).
- B. Traffic counts - Existing Average Weekday Daily Traffic (AWDT) volumes, obtained either from automatic traffic recorders or from peak hour projections.
- C. Vehicle classification counts and pedestrian volumes must be obtained in all cases.

### **Trip Generation**

- A. Develop existing and proposed No-Build volumes. For future traffic volumes, an annual increase in volumes must be applied if necessary. Future No-Build volumes should include traffic generated by committed future projects.
- B. The trip generations for Build conditions must include site generated traffic using Institute of Traffic Engineers (ITE) Trip Generations.

### **Intersection Analysis**

- A. Analyze all signalized and unsignalized intersections within the study area for existing and proposed No-Build conditions and proposed Build conditions. Use latest HCS and/or Synchro analysis software as appropriate.
- B. The intersection queue analyses (95 percentile and average) should be included with the capacity analyses.

### **Signal Warrant Analysis**

- A. A signal warrant analysis should be performed for all major existing and proposed unsignalized intersections within the study area that will be significantly impacted by the project.
- B. Existing and proposed unsignalized intersections that satisfy signal warrants should be identified for possible signalization.

### **Parking and Site Circulation (Vehicles and Pedestrians)**

- A. Traffic circulation and parking within the site must be addressed.
- B. Indicate design vehicle used in the study.

- C. Identify parking needs. All parking requirements must be met (including accessible parking spaces).
- D. Indicate and identify pedestrian access and circulation areas including sidewalks, walkways, ramps, and bicycle parking or paths.

### **Truck Circulation**

The study should address details of truck circulation within the proposed development and loading/unloading and waste removal within the site as necessary.

### **Accident Analysis**

- A. Analyze the previous 3 years of accident reports and calculate the crash rates according to MassHighway guidelines.
- B. Compare crash rates with district-wide or state-wide averages.
- C. Produce accident collision diagrams where necessary to provide additional information.
- D. Discuss mitigation measures to alleviate existing and future accident conditions.

### **Driveway Sight Distance**

A sight distance analysis must be done for existing, relocated or proposed driveways / roadways if necessary. Both horizontal and vertical sight lines should be considered where sight distances are at issue, the analysis should include a scale plan showing sight lines.

### **Traffic Mitigation**

Mitigation must be provided wherever existing or potential deficiencies including failing intersections, inadequate sight distances, high accident locations, construction impacts, etc. that are identified.

**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS APPLICATION**

**TO BE COMPLETED BY STAFF**

*Town Clerk Stamp*

Case Number: \_\_\_\_\_

Submittal Accepted: \_\_\_\_\_ Date \_\_\_\_\_  
*Signature of Planning Dept. Staff for minimal requirements*

Determined to be complete and may now be filed with Town Clerk: \_\_\_\_\_  
*Signature of Principal Planner or Director*

**TO BE COMPLETED BY APPLICANT**

**PROJECT STREET ADDRESS:** \_\_\_\_\_

Assessor's Map Sheet, Block, & Lot: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Overlay District: \_\_\_\_\_

**OWNER OF RECORD (S)** (print & sign): \_\_\_\_\_  
(The owner of record is the person or entity who owns title to the property as of today's date)

Address of owner of record: \_\_\_\_\_

Norfolk County of Deeds Book and Page No. \_\_\_\_\_

Or registered in Land Registration Office under Certificate No. \_\_\_\_\_

**NAME OF APPLICANT (S)** (print & sign): \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Contact Information: Email \_\_\_\_\_ Phone \_\_\_\_\_

Check if you are an: owner(s)  lessee(s)  optionee (s)

**NAME & AFFILIATION OF REPRESENTATIVE:** \_\_\_\_\_

Address: \_\_\_\_\_

Contact Information: Email \_\_\_\_\_ Phone \_\_\_\_\_

**NAME OF ENGINEER AND / OR ARCHITECT:** \_\_\_\_\_

Prior to submitting your application you must review this entire package and the Board Rules and Regulations outlining the Board's policies and procedures. Your signature signifies that you have read the required material and you will be expected to adhere to them.

I (we) hereby certify that I (we) have read the Board of Zoning Appeals Rules and Regulations and that the statements within my (our) application are true and accurate to the best of my (our) knowledge.

\_\_\_\_\_  
Applicant / Petitioner - Date (sign & print)



## ZONING COMPUTATION WORKSHEET

(to be attached with all Board of Zoning Appeals Applications)

The Zoning Computation Worksheet must be completed by the Applicant / Petitioner. All information should be measured and calculated in accordance with the Weymouth Zoning Ordinance (Section 120-51 Table 1 "Schedule District Regulations" and other applicable sections of the Zoning Ordinance). The information should be based on engineer/surveyor/architectural prepared plans and or calculations. Further guidance can also be provided by the Board's step-by-step application instructions and by contacting the Planning or Building Department while completing this section.

Data	Required	Existing	Proposed
Use			
Lot Area / Size (Sq. Ft.)			
Dwelling Units			
Frontage (ft.)			
Lot Width (ft.)			
Front Yard Setback (ft.)			
Front Yard Setback (ft.) – <i>corner lots</i>			
Side Yard Setback (ft.)			
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)			
Height (ft.) & # of Stories			
Lot Coverage			
Off-Street Parking Spaces			
Off-Street Loading Spaces			
Parking Setback			
Accessory Structure Setback			
Landscaping			
Floor Area Ratio			
Signage			
Other:			



## SUPPLEMENTARY QUESTIONS - SECTION 120-40 SPECIAL PERMITS

### Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure or Use (Article XIII "Nonconforming Uses" Section 120-40 "Extension or Change")

To be completed by Applicant's applying for a Special Permit under Sec. 120-40 Only.

#### EXTENSION OR CHANGE FINDINGS OF FACT:

Any lawful structure or use in existences at the time the Zoning Ordinance was adopted or amended may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Zoning Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities):
2. Indicate how long the nonconforming aspects of the structure have been in existence:
3. At the time the nonconformity was created (the structure or use initiated) was it compliant with the current zoning requirements? Past zoning ordinance are available for research at the Town Clerk's office and Planning Department. Past zoning maps are available at the Planning Department.
4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:
5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:
6. Explain how the use or structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

