

## Chapter 120

### ZONING

[HISTORY: Adopted September 1969 STM by Arts. 4 and 5, approved 1-21-1970. Amendments noted where applicable.]

#### GENERAL REFERENCES

Planning Board -- See Ch. 34.  
Building construction -- See Ch. 60.  
Signs -- See Ch. 107.

#### ARTICLE I General Provisions

~ 120-1. Title.

This regulation shall be known and may be cited as the "Weymouth Zoning Ordinance"

~ 120-1.1 Transition.

This ordinance is a transition of the Weymouth Zoning Bylaw. By way of transition the following interpretations shall be made:

- A. Wherever the word bylaw appears it shall mean ordinance.
- B. All effective dates under the Zoning Bylaw shall be applicable to the Zoning Ordinance.
- C. Zoning adopted September 1969 Special Town Meeting by Articles 4 and 5, approved by the Attorney General January 21, 1970. Amendments are noted in the ordinance where applicable.
- D. The Board of Zoning Appeals shall be the Special Permit Granting Authority, and all sections referring to the Board of Selectmen and Planning Board as the Special Permit Granting Authority shall mean the Board of Zoning Appeals.
- E. All references to a board or commission that has been changed by the Weymouth Home Rule Charter shall mean the appropriate agency as established under the charter. Any interpretation as to town agency applicability shall be the made by the Inspector of Buildings.

F. Copies of special permit legal notices and applications shall be distributed to all Councilors. The Town Council may, after review of the application at a regular meeting with citizen input, submit comments and recommendations to the Board of Zoning Appeals for the public hearing.

~ 120-2. Purpose. [Amended October 1975 STM by Art. 18, approved 1-26-1976; June 1978 STM by Art. 3, approved 11-2-1978]

A. The purpose of this bylaw is to:

- (1) Promote the health, safety, morals, convenience and general welfare of the inhabitants of the Town of Weymouth.
- (2) Lessen congestion in the streets.
- (3) Conserve health.
- (4) Secure safety from fire, flood, panic and other dangers.
- (5) Provide adequate light and air.
- (6) Prevent overcrowding of land.
- (7) Avoid undue concentration of population.
- (8) Encourage housing for persons of all income levels.
- (9) Facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open spaces and other public requirements.
- (10) Conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment.
- (11) Encourage the most appropriate use of land throughout the town.
- (12) Preserve and increase amenities by the promulgation of regulations to fulfill said objectives.

B. This bylaw includes but is not limited to restricting, prohibiting, permitting or regulating:

- (1) Uses of land, including wetlands and lands deemed subject to seasonal or periodic flooding.

- (2) Size, height, bulk, location and use of structures, including buildings and signs.
- (3) Uses of bodies of water, including watercourses.
- (4) Noxious uses.
- (5) Areas and dimensions of land and bodies of water to be occupied or unoccupied by uses and structures, courts, yards and open spaces.
- (6) Density of population and intensity of use.
- (7) Accessory facilities and uses, such as vehicle parking and loading, landscaping and open space.
- (8) The development of the natural, scenic and aesthetic qualities of the community.

~ 120-3. Scope.

In their interpretation and application, the provisions of this bylaw shall not in any way impair or interfere with the provisions of other regulations or laws or with the provisions of private restrictions placed upon property by covenant, deed or other private agreement or with provisions of restrictive covenants running with the land to which the town is a party. Where this bylaw imposes a greater restriction upon land, buildings or structures than is imposed or required by any of the aforesaid provisions, the provisions of this bylaw shall prevail.

~ 120-4. Severability.

Should any section or provision of this bylaw be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the bylaw as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

## ARTICLE II Definitions and Word Usage

~ 120-5. Word usage.

Words used in the present include the future; the singular includes the plural and the plural the singular. The word "used" includes "designed, intended or arranged to be used." The word "shall" is mandatory; the word "may" permissive; the word "lot"

includes the word "plot"; the word "land" includes the words "marsh" and "water." The following terms, for the purpose of this bylaw, are defined below.

~ 120-6. Definitions.

In this bylaw, the following terms and words, unless a contrary meaning is specifically prescribed, shall have the following meanings:

**ACCESSORY BUILDING** -- A subordinate building, the use of which is customarily incidental to that of a principal building and the principal use of the lot.

**ACCESSORY HOME OFFICE** - An office of a business located within the principal building of the premises of a resident conducting a business, such as consulting, marketing, mail order, data processing, an office for any service business person or any trades person and other similar office, but not including any storage of product or materials for resale, stock of materials for use in a service business, open lot storage, dispatching or repair service of any kind. [Added May 1999 ATM by Art 19, approved 8-19-1999]

**ACCESSORY USE** -- The subordinate use of a building or premises for a purpose customarily incidental to a main or principal use permitted in the district in which it is located.

**ADULT BOOKSTORE** -- An establishment having, as a substantial or significant portion of its stock-in-trade, books, magazines, videos and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL C. 272, ~ 31. [Added June 1994 STM by Art. 5, approved 8-25-1994]

**ADULT CLUB** -- An establishment which, as a form of entertainment, allows a person or persons to perform in a state of nudity, as defined in MGL C. 272, ~ 31, or allows a person or persons to work in a state of nudity, as defined in MGL C. 272, ~ 31. [Added May 1996 ATM by Art. 54, approved 9-9-1996]

**ADULT MOTION-PICTURE THEATER** -- An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL C. 272, ~ 31. [Added June 1994 STM by Art. 5, approved 8-25-1994]

**ALLEY** -- Any public space or narrow thoroughfare 20 feet or less, but not less than 12 feet, in width, which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.

ALTERATION -- A change in or addition to a building which modifies its location, plan, manner of construction or the kind of materials used, or in any way varies the character of its use.

APARTMENT -- See "dwelling unit."

APARTMENT HOTEL -- A building containing four or more apartments which do not have kitchens, primarily for persons who have their residence therein.

APARTMENT HOUSE -- See "dwelling, multiple."

ATTACHED -- Connected to or united with.

ATTIC -- The space between the ceiling beams of the top habitable story and the roof rafters.

BASEMENT -- A story of a building or structure having 1/2 or more of its clear height below grade.

BILLBOARD -- A structure, either freestanding or affixed to a building, the surface of which is for hire for advertising purposes.

BUILDING -- A structure forming a shelter for persons, animals or property and having a roof, exclusive, however, of such frameworks and tents as are customarily used exclusively for outdoor carnivals, lawn parties or like activities. When the content allows, the word "building" shall be construed as though followed by the words "or part thereof."

BUILDING LINE -- The line established by law parallel to the street line beyond which a building shall not extend, except as specifically provided by law.

BUSINESS -- The transacting or carrying on of a trade or commercial enterprise, with a view to profit or for a livelihood.

CORNER LOT -- A lot bounded on two or more sides by intersecting streets or ways.

COURT -- An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER -- A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER -- A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

CUSTOMARY HOME OCCUPATION -- Occupations customarily conducted entirely within a dwelling unit, such as custom dressmaking, millinery, tailoring, fabric sewing, home cooking and preservation and similar domestic crafts, but not including barbershops, beauty parlors, hairdressers, dance studios, schools and repair services of any kind.

DRIVE-IN RESTAURANT -- A restaurant which has a primary function of window or curb service.

DRIVEWAY -- A private way for vehicles to move between the frontage and a location within a lot, provided that a "driveway" shall not be used to connect a lot through any portion of another lot. [Amended May 1985 ATM by Art. 44, approved 7-25-1985]

DUPLEX HOUSE -- A house containing two apartments adjoining side by side, that is, one in which no part of one apartment is over any part of another apartment. A "duplex house" shall be considered as one main building occupying one lot for the purpose of determining yard requirements.

DWELLING -- A building or portion thereof used exclusively for residential occupancy, including one-family, two-family and multifamily dwellings, but not including hotels, motels, lodging houses, boardinghouses or touring homes.

DWELLING, MULTIPLE -- A building or portion thereof used for occupancy by three or more families living independently.

DWELLING, ONE-FAMILY -- A detached building containing one dwelling unit.

DWELLING, TWO-FAMILY -- A detached building containing two dwelling units.

DWELLING UNIT -- A room or suite of rooms used by one family as a habitation which is separate from other rooms or suites of rooms and which contains cooking and sanitation facilities.

EARTH or EARTH PRODUCTS -- Include sod, topsoil, loam, sand, stone and gravel taken from the land.

ESSENTIAL SERVICE -- The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead electrical, gas, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including essential physical construction, equipment and accessories in connection therewith, but not including buildings.

FAMILY -- A person or group of persons of immediate kindred who live together as a single housekeeping unit under one head.

FLOOR AREA -- The sum of the gross horizontal areas of the several floors of the building measured from exterior faces of walls, including enclosed porches.

FLOOR AREA RATIO (FAR) -- The fixed relation between the lot area and the floor area of all multiple-family residential buildings, excluding the floor area of garages, carports, breezeways, stairways, hallways and balconies and excluding the area of any floor more than four feet below average grade where no part of such basement is used for sleeping rooms or other living quarters, and expressed as a fraction of floor area/lot area. [Added June 1976 STM by Art. 25, approved 10-18-1976]

FRONTAGE -- The lot line separating a lot from a street layout line providing vehicular access and egress between the lot and the street. [Added May 1985 ATM by Art. 44, approved 7-25-1985]

FRONTAGE WIDTH -- The horizontal distance parallel to the front lot line or, in the case of a curved or irregular lot line, a line parallel to a straight line drawn between the front lot corners, measured between the side lot lines starting at the front lot line and extending to the minimum lot width at the building line. [Added May 1997 ATM by Art. 42, approved 8-11-1997]

FUNERAL HOME -- A place of business duly licensed by law for preparing the dead for burial and/or conducting funerals.

GARAGE, PRIVATE or CARPORT -- A building or part thereof, accessory to a principal building, providing storage for automobiles and in which no business or occupation for profit is carried on.

GARAGE, PUBLIC [Repealed May 1989 ATM by Art. 47, approved 7-28-1989]

GARAGE, PUBLIC PARKING -- A building, other than a private garage, available to the public and operated for gain and which is used for the storage of motor vehicles. [Added May 1989 ATM by Art. 47, approved 7-28-1989]

GARAGE, REPAIR -- A building, other than a private garage, available to the public and operated for gain and which is used for the repair, rental, lubrication, washing, servicing, adjusting or equipping of motor vehicles. [Added May 1989 ATM by Art. 47, approved 7-28-1989]

GRADE -- With reference to a building or structure, the average elevation of the ground adjoining the building or structure on all sides.

GRAVEL PIT -- A lot or parcel of land or portion thereof which is used for the primary or principal purpose of extracting stone, sand, gravel or other earth materials.

GROSS FLOOR AREA -- The total area of all floors of a building, including the basement and mezzanines, measured to the exterior walls thereof, and including partitions, stairhalls, corridors and covered porches.

HALF STORY -- Any story which is under a pitched roof, where the point of intersection of the rafters and the face of the wall is less than three feet above the floor level.

HEIGHT OF BUILDING -- The vertical distance of the highest point of the roof above the mean finished grade of the ground adjoining the building, excluding penthouses, bulkheads and other permitted superstructures above the roof.

HOSPITAL -- A duly licensed institution established or maintained for the purpose of caring for persons admitted thereto for diagnosis, medical, surgical or restorative treatment. [Added May 1990 STM by Art. 3, approved 8-29-1990]

HOTEL -- A building used for the more or less temporary occupancy of individuals who are lodged with or without meals, having 10 or more guest rooms, in which no provision is made for cooking in any individual room or suite.

JUNK -- Articles such as old iron (including old abandoned cars or parts), brass, copper, tin, lead or other base metals, cordage, old bags, rags, wastepaper, paper clippings, scraps, slips, rubber, glass, empty bottles, empty cans and all other articles discarded and no longer used as a manufactured article, composed of any one or more of the materials mentioned, but which may be converted into another product by means of a manufacturing process of any kind.

KENNEL -- One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sales, training, hunting or other purposes, and including any shop where dogs are on sale and also including every pack or collection of more than three dogs three months old or over owned or kept by a person on a single premises, irrespective of the purpose for which they are maintained.

LANDSCAPING -- An area designed and developed, using a combination of trees, shrubs, ground covers, grass and other elements, such as natural features of the lot, walks and terraces, for the purpose of enhancing the natural, scenic and aesthetic qualities of the lot. [Added May 1992 ATM by Art. 35, approved 10-1-1992]

LODGING HOUSE -- A house where lodgings are let to four or more persons not within the second degree of kindred of the person conducting it, but not

including dormitories of charitable, educational or philanthropic institutions. [Added October 1982 STM by Art. 3, approved 1-11-1983]

LOT -- A parcel of land in single, joint or multiple ownership, whether or not plotted, and not divided by a public street.

LOT AREA -- The horizontal area of the lot exclusive of any area in a public or private way open to public use and exclusive of any freshwater area more than 10 feet from the shoreline and exclusive of any saltwater area below the mean high-tide line.

LOT COVERAGE -- The fixed relation between the lot area and the area of ground coverage of all buildings, including accessory buildings, and expressed as a percentage. [Added May 1989 ATM by Art. 53, approved 7-28-1989]

LOT LINE -- The division line between adjoining properties or a division line between lots established by a plan filed in the Registry of Deeds or Land Court.

LOT LINE, FRONT -- All lines separating any lot from the street layout lines. [Amended May 1989 ATM by Art. 53, approved 7-28-1989]

LOT LINE, REAR -- A lot line which is opposite and most distant from the front lot line; in the case of a triangular or irregular lot, a line 10 feet long within the lot, parallel to and farthest from the front lot line. In the case of a corner lot, the "rear lot line" shall be the line opposite the street line of the street on which the principal building faces.

LOT LINE, SIDE -- Any lot line not a front or rear lot line.

LOT LINE, SIDE STREET [Repealed May 1989 ATM by Art. 53, approved 7-28-1989]

LOT WIDTH -- The horizontal distance parallel to the front lot line or, in the case of a curved or irregular lot line, a line parallel to a straight line drawn between the front lot corners, measured between the side lot lines at the building line. [Amended May 1989 ATM by Art. 53, approved 7-28-1989]

MARINA -- A dock or basin providing secure moorings for boats and yachts.

MEDICAL LABORATORY -- A facility performing tests, analysis or procedures of a diagnostic, medical, surgical or restorative health related nature. [Added May 1990 STM by Art. 3, approved 8-29-1990]

MEDICAL OFFICE -- The offices of one or more medical or dental professionals providing medical or allied care on an ambulatory basis. [Added May 1990 STM by Art. 3, approved 8-29-1990]

MOTEL -- A hotel primarily for transients traveling by automobile, with a parking space on the lot for each lodging and with separate access to each lodging directly from the outside or from a central corridor.

NONCONFORMING USE -- A use of a building, structure or lot lawfully existing at the effective date of this bylaw, or any subsequent amendment thereto, which does not conform to one or more provisions of the bylaw. [Amended June 1978 STM by Art. 3, approved 11-2-1978]

OCCUPANCY -- Use or occupancy, character of use or designed purpose of a building, structure or land.

OFF-STREET LOADING -- Accommodations off the street for loading and unloading of trucks, in the form of one or more truck berths located within a building or in an open space on the same lot.

OFF-STREET PARKING -- Accommodations for the parking of motor vehicles off the street.

OUTPATIENT CLINIC -- Any ambulatory medical, surgical, dental, physical rehabilitation or mental health facility. [Added May 1990 STM by Art. 3, approved 8-29-1990]

PARKING SPACE -- An area within a structure or in the open on a lot to be used exclusively as a temporary storage space for one motor vehicle.

PLANNED UNIT DEVELOPMENT -- A form of development which is usually characterized by a unified site design for a number of housing units, clustering of buildings, providing for common open space and a mix of building types and land uses. [Added June 1978 STM by Art. 2, approved 11-2-1978]

PRINCIPAL BUILDING -- The main or most important building on a lot. Attached structures such as garages, greenhouses and similar units shall be considered as an integral part of the "principal building."

PROFESSIONAL ENGINEER -- A person employed in the practice of engineering as defined in Chapter 112, Section 81D, of the General Laws, and amendments thereto.

PROFESSIONAL HOME OFFICE -- An office or studio located within the principal building of the premises of a resident, architect, artist, author, attorney, clergyman, dentist, engineer, physician or other member of a recognized profession.

RECREATIONAL EQUIPMENT, MAJOR -- Boats and boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers and similar devices.

SANITORIUM or SANITARIUM -- An establishment for the recuperation or treatment of invalid or convalescent persons.

SELF-SERVICE GAS STATION -- That type of gas station wherein the licensed motor vehicle operator dispenses his own motor fuel. [Added January 1977 STM by Art. 1, approved 4-26-1977]

SERVICE ENTERPRISE -- Any enterprise conducted for profit which deals directly with and is accessible to the ultimate customer or patron and which has for its principal purpose the performance of any act for the convenience, service or benefit of such customer or patron.

SERVICE STATION -- A building, other than a private garage, available to the public and operated for gain, which supplies fuel, oil and automobile accessories to motor vehicles and which may include grease racks or elevators and which may provide minor automobile repair services, excluding body work and painting.

SETBACK -- The minimum required distance between the street line on which the principal building faces and the parts of said building nearest to such street line, such distance extending the entire width or distance across the lot.

SIGN -- Includes a structure, device, letter, word, model, banner, pennant, insignia, trade flag or representation used as, or which is in the nature of, an advertisement, announcement or direction.

SIGN AREA:

A. For a sign, either freestanding or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

B. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording, accompanying designs or symbols, together with any background of a different color than the natural color of the building.

STABLES, LIVERY -- A building in which any hooped animals are kept for private use, hire, remuneration or sale.

STABLES, PRIVATE -- An accessory building where not more than two hoofed animals are kept for private use and not for hire, remuneration or sale.

STORY -- That part of a building between any floor and the floor or roof next above, except that a space used exclusively for the housing or mechanical services of the building shall not be considered to be a "story" if access to such space may be had only for maintenance of such services.

STORY, FIRST -- The lowest story of which 65% or more of the height is above the mean grade from which the height of the building is measured.

STREET -- A way, whether public or private, used or dedicated for use for all purpose of passage, and including streets, avenues, boulevards, parkways, roads, alleys, lanes and viaducts; provided, however, that the way is either in actual use or is shown on a plan endorsed under the Subdivision Control Law.<sup>1</sup> [Amended June 1978 STM by Art. 2, approved 11-2-1978]

STREET LINE -- The line separating the street layout line from a lot.

STRUCTURE -- A combination of materials assembled at a fixed location that is safe and stable to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, swimming pool, platform, bin, fence, sign, flagpole or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof."

SWIMMING POOL -- Any constructed pool which is used, is designed for use as or is intended to be used as a swimming pool, so-called, and which has a minimum capacity of 5,000 gallons and a minimum depth of 36 inches.

TRAILER -- An automobile trailer, mobile home, trailer coach and any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes, to include any of the above units with a foundation thereunder.

TRAILER CAMP -- A parking space for two or more trailers used as dwellings and licensed by the Board of Health under the General Laws.

UPLAND -- Land not considered a wetland as defined in M.G.L. c. 131, ~ 40, the Wetlands Protection Act, including but not limited to oceans, ponds, streams, bogs, wet meadows and swamps. [Added May 1998 ATM by Art. 43, approved 10-23-1998]

---

<sup>1</sup> Editor's Note: See Chapter 41 of the General Laws.

USE -- As a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used."

WIRELESS COMMUNICATION, ACCESSORY EQUIPMENT --  
Wireless communication equipment, including but not necessarily limited to any equipment, antenna, satellite dishes over three feet in diameter, panel, fixtures and protective covering located on the same lot with and customary and incidental to a permitted as of right, by special permit, by variance or as a preexisting nonconforming use. [Added November 1997 STM by Art. 36, approved 2-26-1998]

WIRELESS COMMUNICATION, BUILDING-MOUNTED EQUIPMENT -- Wireless communication equipment mounted on a building, including but not necessarily limited to any equipment, antenna, satellite dishes over three feet in diameter, panel, fixtures and protective covering mounted on, erected or supported in whole or in part by an existing building or structure, including but not necessarily limited to buildings, smokestacks and the like, occupied and/or used primarily for any other purpose, excluding water towers. [Added November 1997 STM by Art. 36, approved 2-26-1998]

WIRELESS COMMUNICATION, FREESTANDING STRUCTURE --  
Wireless communication structures including satellite dishes over three feet in diameter, monopoles, lattice towers or any other similar freestanding structure. [Added November 1997 STM by Art. 36, approved 2-26-1998]

WIRELESS COMMUNICATION, INDOOR EQUIPMENT -- Indoor wireless communication equipment, including but not necessarily limited to any equipment, antenna, panel, fixtures and protective covering mounted inside or supported within an existing building or structure, including but not necessarily limited to buildings, cupolas, church spires, inactive smokestacks and the like, occupied and/or used primarily for any other purpose. [Added November 1997 STM by Art. 36, approved 2-26-1998]

YARD, FRONT -- An open space extending across the full width of the lot and lying between the front lot line and the nearest point of the building.

YARD, REAR -- An open space extending across the full width of the lot and lying between the rear lot line and the parts of the principal building nearest such rear lot line.

YARD, SIDE - An open space within the lot, between the side lot line and the parts of the principal building nearest such side lot line, and extending from the front yard line to the rear yard line. In the case of a corner lot, the "side yard" facing a street or way shall be the space required for the front yard.

### ARTICLE III Establishment of Zoning Districts

~ 120-7. Types of districts. [Amended May 1980 ATM by Art. 51, approved 8-27-1980]

For the purpose of this bylaw, the Town of Weymouth is hereby divided into zoning districts as follows:

A. Watershed Protection District WPD. [Added May 1985 ATM by Art. 46,<sup>2</sup> approved 7-25-1985]

Groundwater Protection District [Added May 1995 ATM by Art. 58, approved 7-31-1995]

B. Residential districts.

R-1 Low Density (single-family)

R-2 Low Density (mixed low-density residential and office) [Added May 1990 STM by Art. 1, approved 8-29-1990]

R-3 High Density A (garden-type multiple)

R-4 High Density B (multiple)

C. Neighborhood Center District NCD. [Added May 1983 ATM by Art. 48, approved 8-26-1983]

D. Business districts.

B-1 Limited Business

B-2 General Business

HT Highway Transition [Added May 1990 STM by Art. 2, approved 8-29-1990]

MS Medical Service [Added May 1990 STM by Art. 3, approved 8-29-1990]

E. Industrial districts.

I-1 Industrial Park

I-2 General Industrial

---

<sup>2</sup>Editor's Note: This article also redesignated former Subsections A through F as Subsections B through G, respectively.

PIP Planned Industrial Park

POP Planned Office Park [Added October 1985 STM by Art. 23, approved 1-27-1986]

F. Public facilities and open space.

POS

G. Floodplain district.

Floodplain Overlay

~ 120-8. District boundaries; Zoning Map. [Amended June 1978 STM by Art. 3, approved 11-2-1978; May 1980 ATM by Art. 51, approved 8-27-1980; January 1990 STM by Art. 15, approved 3-26-1990; May 1990 ATM by Art. 47, approved 9-13-1990]

The boundaries of all the zoning districts are hereby established as shown on a map entitled the "Zoning Map of the Town of Weymouth," dated January 1, 1969, and thereafter amended from time to time, and on file in the office of the Town Clerk, which map, together with all amendments and with all explanatory matters thereon, shall be deemed to be and is hereby made a part of this bylaw. The preparation and printing of the Zoning Map with the changes voted from time to time by the town shall be the responsibility of the Planning Board through the offices of the Board of Public Works. The Floodplain District is shown on maps titled "National Flood Insurance Program, FIRM, Flood Insurance Rate Map" Nos. 250257 0001 through 0009 Town of Weymouth, effective date September 30, 1980, Panel Nos. 4, 6, 7, 8 and 9, revised June 5, 1989, and the Floodway Fringe as shown on the National Flood Insurance Program, Floodway, Flood Boundary and Floodway Map, Nos. 250257 0001 through 0009, Town of Weymouth, effective date September 30, 1980, and on file with the Town Clerk.

~ 120-9. Lots in two districts. [Amended May 1990 ATM by Art. 48, approved 9-13-1990]

A. Where a district boundary line divides a lot existing at the time such line is adopted, the regulations of the more restrictive zoning district may extend not more than 30 feet into the less restrictive district.

B. Where a district boundary line divides a lot existing at the time such line is adopted, active uses of the land in conjunction with permitted uses in the less restrictive zone, such as parking, drainage detention or retention structures, retaining walls, access drives, buildings, structures or the like, are prohibited in the more restrictive zone.

~ 120-10. Determination of boundary lines.

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

ARTICLE IIIA  
Watershed Protection District  
[Added May 1985 ATM by Art. 46, approved 7-25-1985]

~ 120-10.1. Intent.

The Watershed Protection District is established for the following purposes:

- A. To preserve and protect the lakes, ponds, streams, brooks, marshes, swamps, bogs and other water bodies and watercourses in the town.
- B. To protect, preserve and maintain the water table and water recharge areas within the town, so as to preserve present and potential sources of water supply for the public health and safety.
- C. To protect the community from detrimental use and development of land and waters within the Watershed Protection District.
- D. To conserve the watershed areas of the Town of Weymouth for the health, safety, welfare and enjoyment of its people.

~ 120-10.2. Establishment; determination of boundaries.

A. Watershed Protection District.

(1) The Watershed Protection District includes those areas that fall within the catchment or drainage areas of the town's public water supply. The district includes all areas delineated on the Watershed Protection District Maps, approved May 6, 1985, on file with the Town Clerk, Building Inspector, Planning Board and Engineering Division of the Weymouth Department of Public Works.

(2) The Inspector of Buildings shall use the procedure outlined in ~ 120-10 to determine boundary lines; however, where accurate topographical data exists,

the Watershed District line shall be the drainage area of the watershed as delineated by such topography. [Added May 1990 ATM by Art. 49, approved 9-13-1990]

B. Where interpretation is needed as to the exact location of the boundaries of the district, the Building Inspector shall make the necessary interpretation.

C. The Watershed Protection District is an overlay district and shall be superimposed on the other districts established by this bylaw. No use not permitted in the portions of the districts so overlaid shall be permitted within the district.

~ 120-10.3. Permitted uses.

The overlay district shall impose the following criteria and/or requirements for each underlying zoning district:

A. Residential District R-1.

(1) Minimum lot size shall be 25,000 square feet.

(2) [Amended May 1989 ATM by Art. 49, approved 7-28-1989] A parcel of land by special permit from the Planning Board may be subdivided into twenty-thousand-square-foot lots, provided that:

(a) The net density does not exceed that which would be allowed for twenty-five-thousand-square-foot lots; and

(b) The remaining environmentally sensitive land is suitably restricted from development by deed restriction, easements or dedication to the town for conservation purposes, whichever form meets the approval of the Planning Board.

B. Residential R-2 and Highway Transition HT Districts. For permitted residential uses over two dwelling units and all nonresidential uses, a site plan review in accordance with Article XXVA is required. [Added May 1990 STM by Art. 1,<sup>3</sup> approved 8-29-1990; amended May 1993 ATM by Art. 55, approved 7-9-1993]

C. Highway Transition HT Districts. For permitted residential uses over two dwelling units and all nonresidential uses, a site plan review in accordance with Article XXVA is required. [Added May 1990 STM by Art. 2,<sup>4</sup> approved 8-29-1990; amended May 1993 by Art. 55, approved 7-9-1993]

---

<sup>3</sup> Editor's Note: This article also provided for the renumbering of subsequent subsections.

<sup>4</sup> Editor's Note: This article also provided for the renumbering of subsequent subsections.

D. Business Districts B-1 and B-2. For all permitted uses, a site plan review in accordance with Article XXVA is required. [Amended May 1993 ATM by Art. 55, approved 7-9-1993]

E. Industrial District I-1, PIP and POP. For all permitted uses, a site plan review in accordance with Article XXVA is required. [Amended May 1993 ATM by Art. 55, approved 7-9-1993]

~ ~ 120-10.4. Prohibited uses.

The following are prohibited in the overlay zone:

- A. Solid waste disposal landfills.
- B. Surface waste impoundments designed to leach their wastes to the ground.
- C. Open road salt storage and dumping of salt-contaminated snow.
- D. Discharge to the ground- or surface water of industrial and sanitary wastewater, provided that municipal sewage connections are available.
- E. Construction within 25 feet of the highwater line of all surface water bodies.

ARTICLE IIIB  
Groundwater Protection District  
[Added May 1995 ATM by Art. 58, approved 7-31-1995]

~ 120-10.5. Intent.

The Groundwater Protection District is established for the following purposes:

- A. To preserve, protect and maintain the areas within the town which supply groundwater recharge to the municipal drinking water wells.
- B. To protect the community from detrimental use and development of land and waters within the Groundwater Protection District.
- C. To protect the public health and preserve the future use of groundwater supplies for the health, safety, welfare and enjoyment of the people of the Town of Weymouth.

~ 120-10.6. Establishment; determination of boundaries.

A. The Groundwater Protection District includes those areas that fall within the Hydrogeologic Zone II as approved by the Massachusetts Department of Environmental Protection (DEP) under 310 CMR 22.00, plus those areas of Zone III from which groundwater drains into Zone II. The district includes all areas delineated as the Groundwater Protection District Map shown on the Zoning Map of the Town of Weymouth on file with the Town Clerk, Inspector of Buildings, Planning Board and Engineering Division of the Weymouth Department of Public Works.

B. Where interpretation is needed as to the exact location of the boundaries of the district, the Inspector of Buildings, with the assistance and guidance of the Engineering Division of the Department of Public Works, shall make the necessary interpretation.

C. The Groundwater Protection District is an overlay district and shall be superimposed on the other districts established by this bylaw. No use not permitted in the portions of the districts so overlaid shall be permitted within the district.

~ 120-10.7. Prohibited uses.

The following are prohibited in the Groundwater Protection Overlay District. Further definitions describing the areas listed below shall be found in the appropriate Massachusetts General Laws and/or Massachusetts Department of Environmental Protection regulations.

- A. All uses prohibited in the Watershed Protection District.(See ~ 120-10.4.)
- B. Landfilling or storage of sludge and septage.
- C. Treatment or disposal works for nonsanitary wastewaters, except those treatment works approved by DEP.
- D. Facilities that generate, treat, store or dispose of hazardous waste that are subject to Massachusetts General Law Chapter 21C and 310 CMR 30.00, except for the following:
  - (1) Very small generators as defined by 310 CMR 30.00.
  - (2) Household hazardous waste collection centers or events operated pursuant to 310 CMR 30.39.
  - (3) Waste oil retention facilities required by MGL C. 21, ~ 52A.
  - (4) Treatment works approved by DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground- or surface waters.

- E. Storage of liquid petroleum products, except those incidental to:
- (1) Normal household use and outdoor maintenance or the heating of a structure.
  - (2) Waste oil retention facilities required by MGL C. 21, ~ 52A.
  - (3) Emergency generators required by statute, rule or regulation.
  - (4) Treatment works approved by the Department of Environmental Protection.

~ 120-10.8. Land use requirements.

A. Hazardous materials and liquid petroleum products shall be stored in either:

- (1) A freestanding container within a building.
- (2) A freestanding covered container above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity plus 10%.

B. Commercial fertilizers shall be stored within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

C. Animal manures shall be stored in a covered structure or contained in accordance with the specifications of the United States Soil Conservation Service.

D. Uses that create impervious surfaces shall be designed so that all runoff is recharged back into the groundwater supply. All artificial recharging shall be done in a way that will not result in the degradation of the groundwater quality.

E. The removal of soil, loam, sand, gravel or any other mineral substances shall not be within four feet of the historical high groundwater elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey) unless the substances removed are redeposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high-water mark, and except for excavations for the construction of building foundations or the installation of utility works.

~ 120-11. Permitted uses.

In a Resident District R-1, no building or premises shall be erected, altered or used for any purpose except:

- A. Detached one-family dwellings.
- B.<sup>5</sup> Municipal use.

~ 120-12. Accessory uses.

Uses on the same lot with and customarily incident to any of the above permitted uses and not detrimental to a residential neighborhood. The term "accessory" in this section shall be limited to the following uses:

- A. Garage space for or storage of not more than three automobiles.
- B. Parking or storage of one (1) commercial motor vehicle, provided that the permitted commercial motor vehicle is limited to two (2) axle vehicles, and has a rated capacity which does not exceed one (1) ton, except on a farm where vehicles used in the operation of the same may be stored. [Added May 1999 ATM by Art. 8, approved 8-11-1999]
- C. The sale of produce or plants, provided that the major portion thereof is raised on the premises.
- D. Major recreational equipment.
- E. A customary home occupation carried on for gain in the residence of the occupant, provided that there is no display of goods visible from the street, that no nonresident help is employed and that such occupation shall not occupy more than 1/3 of the gross floor area, excluding attic, of the residence or apartment, and provided further that such occupation shall not be carried on in an accessory building. [Added May 1989 ATM by Art. 52, approved 7-28-1989; amended May 1999 ATM by Art 19, approved 8-19-1999]
- F. A professional home office, provided that no more than one nonresident office or laboratory assistant shall be allowed. [Added May 1989 ATM by Art. 52, approved 7-28-1989]
- G. An accessory home office, carried on for gain in the residence of the occupant, provided that customers, clients or delivery persons coming to the premises are

---

<sup>5</sup>□Editor's Note: Former Subsections B and C, regarding home occupation, were repealed May 1989 ATM by Art. 52, approved 7-28-1989, which Art. 52 also renumbered former Subsection D as Subsection B.

limited to one (1) individual or group of individuals per day, that no nonresident help is employed and that such office shall not occupy more than one-third (1/3) of the gross floor area, excluding attic, of the residence or apartment, and provided further that the office shall not be located in an accessory building. [Added May 1999 ATM by Art 19, approved 8-19-1999]

~ 120-12.1. Special permit uses by Planning Board. [Added May 1998 ATM by Art. 40, approved 10-23-1998]

The following uses, or uses customarily accessory thereto, may be granted as a special permit by the Planning Board, subject to the conditions and requirements of Article XXV:

A. Planned unit development, as defined in ~ 120-6 of this bylaw, and subject to the district regulations in ~ 120-63 of this bylaw.

~ 120-13. Special permit uses. [Amended June 1978 STM by Art. 2, approved 11-2-1978]

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

A. Alteration of a dwelling existing at the time this bylaw is adopted, for a two-family dwelling.

B. Funeral home.

C. Garage space for or storage of more than three automobiles.

D. Noncommercial greenhouse.

E.<sup>6</sup> The renting of rooms and/or furnishing of meals limited to three persons not members of the family of the occupant and who are not casual or transient guests. [Amended October 1982 STM by Art. 3, approved 1-11-1983]

ARTICLE IVA  
Resident District R-2  
[Added May 1990 STM by Art. 1, approved 8-29-1990]

~ 120-13.1. Purpose.

---

<sup>6</sup>□ Editor's Note: Former Subsection E, regarding licensed hospitals, was repealed May 1990 STM by Art. 3, approved 8-29-1990. Said Art. 3 also provided for the redesignation of former Subsection F as Subsection E.

The purpose of the R-2 District, mixed residential, is to:

- A. Provide for a transitional zone between single-family districts and multifamily or business districts.
- B. Recognize the changing character of major arterial roads by allowing use changes to existing single-family dwellings.
- C. Preserve the residential character of the district while allowing low-density multifamily and office uses.
- D. Limit traffic congestion by limiting the density and intensity of permitted and special permit uses in the district.

~ 120-13.2. Permitted uses. [Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. Any of the following uses, or uses customarily accessory thereto, are permitted:

- A. Any use permitted in Resident District R-1.
- B. Two- or three-family dwelling, new construction.
- C. Alteration, but not the expansion, of a dwelling existing at the time of adoption of this bylaw for up to four dwelling units.

~ 120-13.3. Special permit uses by Board of Zoning Appeals.

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

- A. Alteration and/or the expansion, not to exceed 10% of the existing gross floor area, of a dwelling or structure existing at the time of the adoption of this bylaw for up to 10 dwelling units.
- B. Funeral home.

~ 120-13.4. Special permit uses by Planning Board.

Any of the following uses, or uses customarily accessory thereto, on approval of the Planning Board, subject to the conditions and requirements of Article XXV:

A. Alteration and/or the expansion, not to exceed 10% of the existing gross floor area, of a dwelling or structure existing at the time of the adoption of this bylaw for office space, not to exceed 2,000 square feet of gross floor area.<sup>7</sup>

ARTICLE V  
Resident District R-3  
[Amended June 1976 STM by Art. 26,  
approved 10-18-1976]

~ 120-14. Intent.

To establish and preserve a multiple-family dwelling district whose density would be compatible with existing multiple-family dwelling characteristics within the Town of Weymouth and to provide varied housing opportunities. It is further intended that the R-3 District provide for low-rise structures with appropriate landscaping and site planning to allow for garden-apartment types of developments. It is further intended to exclude uses which are not compatible with residential uses but permit certain nonresidential uses which are compatible in the district and which are of particular convenience to the residents of the district.

~ 120-15. Permitted uses. [Amended June 1978 STM by Art. 2, approved 11-2-1978; May 1987 ATM by Art. 52, approved 8-27-1987, May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Resident District R-3, no buildings or premises shall be erected, altered or used for any purpose except:

- A. Any use permitted in Resident District R-1.
- B. A building or group of buildings for occupancy by two or more families in separate dwelling units.
- C.<sup>8</sup> Nursing home or convalescent home.

~ 120-16. Accessory uses. [Amended June 1978 STM by Art. 2, approved 11-2-1978; May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 by Art. 43, approved 8-11-1997]

---

<sup>7</sup> Editor's Note: Former Subsection B, Licensed day-care nursery center, which immediately followed this subsection, was repealed May 1992 ATM, Art. 46, approved 10-1-1992.

<sup>8</sup> Editor's Note: Former Subsection C, regarding licensed day-care nursery centers, was repealed May 1992 ATM, Art. 46, approved 10-1-1992. Said Article also redesignated former Subsection D as this Subsection C.

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. Uses on the same lot with and customarily incident to any of the above permitted uses, as follows:

- A. Accessory uses under ~ 120-12 of this bylaw for single-family dwellings.
- B. Accessory uses and structures customarily associated with apartment developments, including swimming pools, recreation facilities, garages and the like, and also including convenience grocery stores, newsstands, barbers, hairdressers, drugstores and like facilities primarily for the use of on-site residents. Home occupations are prohibited for multifamily dwellings in the R-3 District.
- C.<sup>9</sup> Accessory uses and structures customarily associated with nursing homes and convalescent homes.

~ 120-17. Special permit uses. [Amended June 1978 STM by Art. 2, approved 11-2-1978]

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

- A. Any use requiring a special permit in the Resident District R-1, ~ 120-13.
- B. Private club or lodge operated for members only.
- C. Clinic or office of an architect, attorney, physician, dentist or other similar professional person or firm, not accessory to a main residential use.

~ 120-18. Special permit uses by Planning Board. [Amended June 1978 STM by Art. 2, approved 11-2-1978]

The following uses, or uses customarily accessory thereto, may be granted as special permit by the Planning Board, subject to the conditions and requirements of Article XXV:

- A. Planned unit development as defined in ~ 120-6 of this bylaw and subject to the district regulations in ~ 120-63 of this bylaw.
- B. Hotel, motel or apartment hotel.
- C. A building or group of buildings for occupancy by 20 or more families in separate dwelling units. [Added May 1987 ATM by Art. 52, approved 8-27-1987]

---

<sup>9</sup>□Editor's Note: Former Subsection C, regarding day-care, was repealed May 1992 ATM, Art. 46, approved 10-1-1992. Said Article also redesignated former Subsection D as Subsection C.

~ 120-18.1. Special permit uses by Board of Selectmen. [Added October 1982 STM by Art. 3, approved 1-11-1983]

The following uses, or uses customarily accessory thereto, may be granted as a special permit use by the Board of Selectmen, subject to the conditions and requirements of Article XXV:

- A. Lodging house, not to exceed 10 lodgers.

ARTICLE VI  
Resident District R-4  
[Amended June 1976 STM by Art. 24,  
approved 10-18-1976]

~ 120-19. Intent.

To establish and preserve a multiple-family-dwelling district whose density would be compatible with existing multiple-family-dwelling characteristics within the Town of Weymouth and to provide varied housing opportunities. It is further intended that the R-4 District provide for high-rise structures with appropriate site planning.

~ 120-20. Permitted uses. [Amended June 1978 STM by Art. 2, approved 11-2-1978; May 1987 ATM by Art. 52, approved 8-27-1987; May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Resident District R-4, no building or premises shall be erected, altered or used for any purpose except (Uses in Subsections B through H are limited in area to either lots of less than 40,000 square feet or structures with a gross floor area of less than 20,000 square feet. For uses of greater lot area or floor area, see ~ 120-18C.):

- A. A building or group of buildings for occupancy by two or more families in separate dwelling units.
- B.<sup>10</sup> Nursing home and convalescent home.
- C. Hotel, motel or restaurant, not including drive-in restaurant.
- D. Private club or lodge, operated for members only.

---

<sup>10</sup> Editor's Note: Former Subsection B, regarding licensed day-care nursery centers, was repealed May 1992 ATM, Art. 46, approved 10-1-1992. Said Article 46 also redesignated former Subsections C through H as Subsections B through G, respectively.

E. Clinic or office of an architect, attorney, physician, dentist or other similar professional persons or firm, real estate, insurance or other agency office, bank, office building, post office or other similar establishment.

F. Retail business or service establishment relative to this zoning district.

G. Marina or yacht club and sales of boats, boat parts and accessories.

~ 120-21. Accessory uses. [Amended May 1993 ATM by Art. 55, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. Uses on the same lot with and customarily incident to any of the above permitted uses, including but not limited to the provisions of ~ 120-16 of this bylaw.

~ 120-21.1. Special permit uses by Planning Board. [Amended June 1978 STM by Art. 2, approved 11-2-1978]

The following uses, or uses customarily accessory thereto, may be granted as special permit uses by the Planning Board subject to the conditions and requirements of Article XXV:

A. Special permit uses as provided in ~ 120-18.

B.<sup>11</sup> Any permitted use or group of permitted uses in ~ 120-20B through G, which have either a lot area of 40,000 square feet or more or a structure with a gross floor area of 20,000 square feet or more. [Added May 1987 ATM by Art. 52, approved 8-27-1987]

~ 120-22. Special permit uses by Board of Selectmen. [Added May 1989 ATM by Art. 49, approved 7-28-1989]

Special permit uses as provided in ~ 120-18.1.

ARTICLE VIA  
Neighborhood Center District NCD  
[Added May 1983 ATM by Art. 48, approved 8-26-1983]

~ 120-22.1. Purpose.

The purpose of the Neighborhood Center District is to outline and preserve the neighborhood core which has historically developed into a composite of residential, commercial, governmental and

---

<sup>11</sup> □ Editor's Note: Former Subsection B, regarding uses provided in ~ 120-18.1, was repealed May 1989 ATM by Art. 49, approved 7-28-1989, which Art. 49 also renumbered Subsection C as Subsection B.

religious uses primarily designed to serve the surrounding neighborhood. It is intended to allow uses of a small scale and of a convenience nature. It is further intended to provide for special regulations relative to density, dimensional requirements, signage and parking to maintain the neighborhood scale and to ensure compatibility between uses within the districts as well as abutting residential districts.

~ 120-22.2. Permitted uses. [Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Neighborhood Center District NCD, any of the following uses or uses customarily accessory thereto are permitted, provided that all permitted uses, excepting residential uses, shall be limited to a maximum of 5,000 gross square feet of floor area for each business and/or office:

- A. Detached single-family dwelling.
- B. A building for occupancy by two families in separate dwelling units.
- C. Retail sales, such as food, apparel and accessories, home products and furnishings, drugstores, specialty items other than motor vehicles and trailers, hardware, stationery, newsstand, variety store or similar sales primarily intended to serve the surrounding neighborhood, provided that sales do not involve manufacturing on the premises except of products the major portion of which are to be sold at retail by the manufacturer to the consumer and provided that no more than four operatives shall be employed in such manufacture.
- D. Retail services such as barbershop, beauty shop, laundry, dry cleaning, tailoring, shoe repair, caterer, print shop, photography or similar service primarily intended to serve the surrounding neighborhood, excluding motor vehicles and trailer-oriented services.
- E. Clinic or office of business, professional or financial organizations.
- F. Funeral home.
- G. Trade, professional or other school conducted as a gainful business.<sup>12</sup>
- H. Place of amusement or assembly, provided that the structure is sufficiently sound-insulated to confine noise to the premises.
- I. Lunchroom, restaurant or cafeteria, excluding drive-in restaurant and/or drive-through window service.

---

<sup>12</sup>□Editor's Note: Former Subsection H, regarding licensed day-care nursery centers, which immediately followed this subsection, was repealed May 1992 ATM, Art. 46, approved 10-1-1992. Said Art. 46 also redesignated former Subsections I and J as Subsections H and I, respectively.

~ 120-22.3. Special permit uses by Board of Zoning Appeals.

In a Neighborhood Center District, any of the following uses or uses customarily accessory thereto are permitted on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

- A. Private club or lodge operated for members only.
- B.<sup>13</sup> A building for occupancy by three or more families in separate dwelling units, provided that the building area does not exceed a floor area ratio (FAR), as defined in ~ 120-6, of 0.25.
- C. (Reserved)
- D. Any permitted use in ~ 120-22.2A through H having drive-through service or windows. [Added May 1993 ATM by Art. 57, approved 7-9-1993]

~ 120-22.4. Special permit uses by Board of Selectmen.

In a Neighborhood Center District, any of the following uses or uses customarily accessory thereto are permitted on approval of the Board of Selectmen, subject to the conditions and requirements of Article XXV:

- A. Licensed lodging house up to a maximum of 10 lodgers.

ARTICLE VIB  
Highway Transition District HT  
[Added May 1990 STM by Art. 2, approved 8-29-1990]

~ 120-22.5. Purpose.

The purpose of the Highway Transition District is to:

- A. Provide for a mixed residential, business and commercial development along major arterials in the town.
- B. Allow for redevelopment of former residential areas to limited business and commercial uses.
- C. Control off-site impacts of new development or redevelopment through the site plan review and special permit process.

---

<sup>13</sup> Editor's Note: Former Subsection B, allowing any permitted use in ~ 120-22.2B through I, was repealed May 1993 ATM, Art. 56, approved 7-9-1993. Said Art. 56 also redesignated former Subsection C as Subsection B.

D. Preserve the scale and character of the existing streetscape by encouraging the reuse of existing residential structures and appropriate site design criteria.

~ 120-22.6. Permitted uses. [Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. Any of the following uses, or uses customarily accessory thereto, are permitted:

- A. Any use permitted in Resident District R-1.
- B. Two-family dwelling.
- C. Conversion of an existing residential structure for use as a clinic or office of a business, professional, medical/veterinarian or financial organization; barbershop; beauty salon; gift shop; antique shop; printer; caterer; or photography studio.
- D. Conversion of an existing residential structure for use as retail sales or services with less than 2,000 square feet of gross floor area.

~ 120-22.7. Special permit uses by Board of Zoning Appeals.

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

- A. Private club or lodge.
- B. Conversion of an existing dwelling for up to four dwelling units.

~ 120-22.8. Special permit uses by Planning Board.

Any of the following uses, or uses customarily accessory thereto, on approval of the Planning Board, subject to the conditions and requirements of Article XXV:

- A. Retail sales or service, except auto-related sales or services that:
  - (1) Are in a new structure and contain up to a maximum of 5,000 square feet gross floor area.
  - (2) Are in an existing converted dwelling with a gross floor area between 2,000 square feet and 5,000 square feet.

- B. Any permitted use having drive-through service or windows.
- C. New structure containing a clinic or office of business, professional, medical/veterinarian or financial organization; barbershop; beauty salon; antique or gift shop; or photography studio.
- D. Trade, professional or other for-profit school.
- E. Restaurant, except that no drive-through window is allowed.

ARTICLE VIC  
Medical Services District  
[Added May 1990 STM by Art. 3, approved 8-29-1990]

~ 120-22.9. Purpose.

The purpose of the Medical Services District is to:

- A. Provide for the health and care needs of the community within a district designed for a hospital and the customary supporting facilities and uses that develop around such a regional facility.
- B. Allow hospitals, clinics, treatment facilities, offices, laboratories, sale of materials and supplies of a medical nature and similar related uses.
- C. Maintain the neighborhood scale and ensure compatibility between uses within the Medical Services District and abutting districts through density and dimensional requirements.

~ 120-22.10. Permitted uses. [Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. The following uses, or uses customarily accessory thereto, are permitted, provided that, in connection with such use, any new construction or addition to a structure lawfully existing at the time this section is adopted shall not exceed 20,000 square feet of gross floor area:

- A. Detached single-family dwelling.
- B. Hospital.
- C. Nursing home.
- D. Medical office.

- E. Outpatient clinic.
- F. Medical laboratory.

~ 120-22.11. (Reserved)<sup>14</sup>

~ 120-22.12. Special permit uses by Board of Zoning Appeals.

In a Medical Services District, any of the following uses, or uses customarily accessory thereto, are permitted on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

- A. Funeral home.
- B. Alteration of a dwelling existing at the time this bylaw is adopted for a two-family dwelling.
- C. Sale or lease of medical supplies and/or equipment.
- D. Any special permit use which, in addition, requires a variance from the Board of Zoning Appeals.
- E. Ambulance station.

~ 120-22.13. Special permit uses by Planning Board.

In a Medical Services District, any of the following uses, or uses customarily accessory thereto, are permitted on approval of the Planning Board, subject to the conditions and requirements of Article XXV:

- A. Any uses, or uses customarily accessory thereto permitted in ~ 120-22.10, where any building, group of buildings, premises or addition to a structure lawfully existing at the time this section is adopted exceeds 20,000 square feet or more of gross floor area.
- B. Parking plans that provide for required off-street parking to be located on more than one lot for any permitted or specially permitted use.

## ARTICLE VII Business District B-1

---

<sup>14</sup> Editor's Note: Former ~ 120-22.11, Site plan review, was repealed May 1993 ATM by Art. 56, approved 7-9-1993.

[Amended June 1978 STM by Art. 2,  
approved 11-2-1978]

~ 120-23. Permitted uses. [Amended May 1987 ATM by Art. 52, approved 8-27-1987; May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Business District B-1, no building or premises shall be erected, altered or used for any purposes injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise or other cause or for any purpose, and, further, no building, group of buildings or premises shall be placed on either a lot of 40,000 square feet or more or contain 20,000 square feet or more of gross floor area except:

- A. Hotel, motel or restaurant, not including a drive-in restaurant.
- B. Trade, professional or other school for ages 16 and above conducted as a gainful business.
- C. Private club or lodge operated for members only.
- D. Place of amusement or assembly, provided that the structure is sufficiently sound-insulated to confine noise to the premises.
- E. Clinic or office of an architect, attorney, physician, dentist or other similar professional persons or firm, real estate, insurance or other agency office, bank, office building, post office or similar establishment.
- F. Printing shop, photographer's studio, taxidermist or caterer.
- G. Retail business, service or public utility not involving manufacturing on the premises except of products, the major portion of which are to be sold at retail by the manufacturer to the consumer, and provided that no more than four operatives shall be employed in such manufacture.

~ 120-24. Special permit uses.

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, unless otherwise provided, subject to the conditions and requirements of Article XXV:

- A. Service station, repair garage and car wash on approval of the Board of Selectmen, subject to the conditions and requirements of ~ 120-101 of this bylaw, as applicable, provided that all washing, lubricating and the making of repairs is carried on inside the building and that the structure housing major repairs, including auto body and paint shop, is sufficiently sound-insulated to confine noise to the premises and any flashing, fumes, gases, smoke and vapor is effectively confined to the premises. [Amended May 1989 ATM by Art. 47, approved 7-28-1989]

B. Commercial parking lot or parking garage. [Amended May 1989 ATM by Art. 47, approved 7-28-1989]

C. Detached one-family dwelling.

D. Wholesale business, jobbing or dispatching establishment and storage in roofed structure, but not including wholesale storage of inflammable liquids, gases or explosives. [Added May 1980 ATM by Art. 49, approved 8-27-1980]

E. Enclosed or open-lot storage of new building material, contractor's equipment, machinery and metals, other than scrap or junk, and similar materials, provided that any material stored in unenclosed premises to a height greater than four feet above grade level is surrounded by a substantial seven-foot-high wall, tight fence or a proper landscape screening. [Added May 1980 ATM by Art. 49, approved 8-27-1980; amended May 1990 ATM by Art. 50, approved 9-13-1990]

F. Lodging house, not to exceed 10 lodgers; and only in the conversion of a building, existing at the time of adoption of this amendment, containing up to three dwelling units, and further provided that the Board of Selectmen shall be the special permit granting authority, subject to the conditions and requirements of Article XXV. [Added October 1982 STM by Art. 3, approved 1-11-1983]

~ 120-25. Special permit uses by Planning Board.

The following uses, or uses customarily accessory thereto, may be granted as special permit uses by the Planning Board, subject to the conditions and requirements of Article XXV:

A. Any permitted uses in ~ 120-23A through G which may be grouped together so as to form a shopping center and for which one or more of the following conditions exist or will exist as part of a proposed development and which will comprise 1.5 acres or more:

(1) More than one building per lot.

(2) More than one building in an overall development of contiguous lots even if one building will be built on one lot.

(3) A single building whose intended purpose is to house more than one commercial business and/or retail enterprise.

B. Any permitted use or group of permitted uses in ~ 120-23A through G, which have either a lot area of 40,000 square feet or more or a structure with a gross floor area of 20,000 square feet or more. [Added May 1987 ATM by Art. 52, approved 8-27-1987]

C. Any permitted use having drive-through service or windows. [Added May 1993 ATM by Art. 57, approved 7-9-1993]

ARTICLE VIII  
Business District B-2

~ 120-26. Permitted uses. [Amended May 1987 ATM by Art. 52, approved 8-27-1987; May 1989 ATM by Art. 47, approved 7-28-1989; May 1993 ATM by Art. 55, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Business District B-2, no building or premises shall be erected, altered or used for any purposes injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise or other cause or for any purpose; and, further, no building, group of buildings or premises shall be placed on either a lot of 40,000 square feet or more or contain 20,000 square feet or more of gross floor area except:

- A. Any use permitted in Business District B-1. See ~ 120-23.
- B. Commercial parking lot or parking garage.
- C. Rental agency for autos, trailers, motorcycles or bicycles, conducted entirely within a building.

~ 120-27. Special permit uses.

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

- A. Any use requiring a special permit in the Business District B-1, ~ 120-24A, B, C, D and F. [Amended May 1990 ATM by Art. 50, approved 9-13-1990]
- B. Drive-in restaurant.
- C. Multiple dwelling, see Table 1, Schedule of District Regulations, for density requirements.<sup>15</sup> [Amended May 1987 ATM by Art. 52, approved 8-27-1987]

~ 120-27.1. Special permit uses by Planning Board. [Added May 1987 ATM by Art. 52, approved 8-27-1987]

The following uses, or uses customarily accessory thereto, may be granted as special permit uses by the Planning Board, subject to the conditions and requirements of Article XXV:

---

<sup>15</sup> Editor's Note: Table 1 is included at the end of this chapter.

A. Any permitted use or group of permitted uses in ~ 120-26A through C, which have either a lot area of 40,000 square feet or more or a structure with a gross floor area of 20,000 square feet or more.

B. Any permitted use having drive-through service or windows. [Added May 1993 ATM by Art. 57, approved 7-9-1993]

ARTICLE IX  
Industrial District I-1  
[Amended April 1971 ATM by Art. 47, approved  
8-24-1971; June 1978 STM by Art. 2,  
approved 11-2-1978]

~ 120-28. Permitted uses. [Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section.

In an Industrial District I-1, no building or premises shall be erected, altered or used for any purpose injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise or other cause or for any purpose except the following:

- A. Trade school for ages 16 and above conducted as a gainful business and machine shop or other noise-generating activity accessory to such a school.
- B. Sales of automobiles and trucks, where operation is carried on within the structure.
- C. Office building.
- D. Printing shop and caterer.
- E. Research laboratory.
- F. Wholesale business, jobbing or dispatching establishment and storage in roofed structure, but not including wholesale storage of flammable liquids, gases or explosives.
- G. Helicopter landing facility.
- H. Assembly, machine shop, manufacturing, auto repair, packaging, processing or other similar operation, whether making, repairing, finishing, packing or storing, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor are effectively confined to the premises or disposed of in a manner so as not to create a nuisance or hazard to fire, safety or health.

~ 120-29. Special permit uses.

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

- A. Storage of flammable liquids, gases or explosives.
- B. Motor freight or bus terminal and yards for the storage and servicing of trucks or buses.
- C. Open-lot storage of new building material, contractors' equipment, machinery and metals, other than scrap or junk, and similar materials, provided that any material stored in unenclosed premises to a height greater than four feet above grade level is surrounded by a substantial seven-foot-high wall, tight fence or a proper landscape screening.
- D. Accessory uses, whether or not on the same parcel as the permitted use of a research laboratory in ~ 120-28E, which are accessory to the necessary primary activities of a research laboratory or of scientific research or scientific development or related production; provided, however, that the Board of Zoning Appeals must first find that the proposed accessory uses do not substantially derogate from the public good.
- E. Place of recreation or assembly. [Added May 1994 ATM by Art. 56, approved 8-19-1994]

ARTICLE X  
Planned Industrial Park District  
[Added February 1979 STM by Art. 1,  
approved 4-19-1979]

~ 120-30. Intent.

The purpose of the Planned Industrial Park District is to establish and preserve areas for industrial park development which allow industrial and related uses of such a nature so as to promote orderly and harmonious industrial growth within the PIP District and to further promote industrial performance standards to reduce adverse environmental effects resulting from development within the district.

~ 120-31. Permitted uses. [Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Planned Industrial Park District, the following uses are permitted:

A. Assembly, manufacturing, packaging, processing or other similar operation, whether making, finishing and packing, but not including flammable liquids, gases, detonable material or the refining of petroleum products.

B. Wholesale business, jobbing or dispatching establishment.

C. Office building.

D. Research laboratory.

E. Printing shop and caterer.

~ 120-32. Special permit uses by Planning Board.

The following uses, or uses customarily accessory thereto, may be granted as special permit uses by the Planning Board subject to the conditions and requirements of Article XXV:

A. Storage, utilization or manufacture of hazardous materials, subject to the conditions of ~ 120-34G and H.

B. Motor freight or bus terminal and yards for the storage and servicing of trucks or buses.

C. Wholesale storage in a roofed structure not involved in the permitted use under ~ 120-31B.

D. Open-lot storage of new building material, contractors' equipment, machinery and metals, other than scrap or junk, and similar materials, provided that any material stored in unenclosed premises to a height greater than four feet above grade is surrounded by a substantial seven-foot-high wall, tight fence or a proper landscape screening.

E. Accessory uses, whether or not on the same parcel as the permitted use of a research laboratory in ~ 120-31D, which are accessory to the necessary primary activities of a research laboratory or of scientific development or related production; provided, however, that the Planning Board must first find that the proposed accessory uses do not substantially derogate from the public good.

F. Ancillary service establishments whose primary purpose is to serve existing industrial occupants and their employees, including but not necessarily limited to restaurant, limited retail sale of food, beverages and other convenience items or branch banking or credit union facilities.

G. Hotel or motel.

H. Place of recreation or assembly. [Added May 1994 ATM by Art. 56, approved 8-19-1994]

~ 120-33.<sup>16</sup> Special permit uses by Board of Selectmen. [Added June 1994 STM by Art. 5, approved 8-25-1994; May 1996 ATM by Art. 54, approved 9-9-1996]

The following uses, or uses customarily accessory thereon, may be granted as special permit uses by the Board of Selectmen subject to the conditions and requirements of ~ 120-33.1 and Article XXV.

- A. Adult bookstore.
- B. Adult motion-picture theater.
- C. Adult club.

~ 120-33.1. Adult bookstore, adult motion-picture theater and adult club regulations and standards. [Added June 1994 STM by Art. 5, approved 8-25-1994; amended May 1995 ATM by Art. 57, approved 7-1-1995; May 1996 ATM by Art. 54, approved 9-9-1996]

A. Adult bookstores, adult motion-picture theaters and adult clubs may not be located within 1,000 feet of each other and 500 feet of the nearest lot lines of:

- (1) A residential district.
- (2) Any establishment licensed under the provisions of MGL C. 138, ~ 12.

B. Adult bookstores, motion-picture theaters, adult clubs and all advertising signs shall not be located within 50 feet of a public or private way and must be set back a minimum of 50 feet from all property lines.

C. The application for a special permit under ~ 120-33 must include the following information:

- (1) The name and address of the legal owner of the adult bookstore, adult theater or adult club.
- (2) The name and address of all persons having lawful, equity or security interests in the adult bookstore, adult theater or adult club.
- (3) The name and address of the manager.

---

<sup>16</sup> Editor's Note: Former ~ 120-33, Site plan design standards, was repealed May 1993 ATM by Art. 56, approved 7-9-1993.

- (4) The number of employees.
- (5) Proposed security precautions.
- (6) The physical layout of the premises.

D. Special permits shall not be issued to any person convicted of violating the provisions of MGL 119, ~ 63, or MGL C. 272, ~ 28.

~ 120-34. Industrial performance standards.

The intent of performance standards is to reduce adverse environmental impacts within the PIP District, to assess potential industrial nuisances factually and objectively, to ensure that all industries will provide methods to protect the community from hazards and nuisances which can be prevented by process of control along with required site plans to the Planning Board for all permitted and special permit uses within the PIP District. The report shall, as a minimum, show how the proposed use of occupancy shall be issued unless the Planning Board has made a finding that all permitted and special permit uses have complied with these industrial performance standards within the Planned Industrial Park District. The Planning Board may require such information, data and testing, to be performed at the owner's or developer's expense, in order to achieve the finding of compliance.

A. Noise.

(1) Noises shall be measured with a sound level meter having an A-weighted filter constructed in accordance with specifications of the American National Standards Institute (ANSI). Measurements shall be made at any point in adjacent lots or districts as indicated in Table I.

**TABLE I  
Maximum Permitted Sound Levels**

<b>Sound Measured Within the PIP District</b>	<b>Continuous Slow-meter Response [db(A)]</b>	<b>Impact Fast-meter Response [db(A)]</b>
At a point on the lot line of the subject lot nearest to the noise source	70	80
At a lot line abutting a	60	70

commercial district

At a lot line abutting  
a residential district  
or school

50

60

(2) Between the hours of 9:00 p.m. and 7:00 a.m., the permissible sound levels in any abutting residential district shall be reduced by five decibels for impact noises.

(3) The following sources of noise are exempt from noise level regulations:

(a) Transient noises of moving sources such as automobiles and trucks.

(b) Noises of safety signals, warning devices and emergency pressure-relief valves.

(e) Noises emanating from temporary construction and maintenance activities between 7:00 a.m. and 7:00 p.m.

B. Vibration.

(1) Vibration shall be measured at the lot line or district border as indicated in Table II below, and such measurement shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions. Maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

Where:

$$PV = 6.28 F \times D$$

PV = Particle velocity, inches per second.

F = Vibration frequency, cycles per second.

D = Single amplitude displacement of the vibration, inches.

(2) Maximum particle velocity shall be the vector sum of the three individual components recorded. Such particle velocity shall not exceed values given in Table II.

**TABLE II**  
**Maximum Ground Transmitted Vibration**

**Vibration Measured**

<b>Within the PIP District</b>	<b>Particle Velocity (inches per second)</b>
At a point on the lot line of the subject lot nearest to the vibration source	0.10
At a lot line abutting a commercial district	0.05
At a lot line abutting a residential district or school	0.02

C. Air quality of emissions from all vents, stacks, chimneys, flues or other opening or any process, operation or activity shall be in accordance with the Commonwealth of Massachusetts, Department of Environmental Quality Engineering Regulations for the Control of Air Pollution. Ambient air quality standards for the Commonwealth of Massachusetts shall be the guide to the release of airborne toxic materials across lot lines. For those toxic materials that are not listed in the ambient air quality standards of the Commonwealth of Massachusetts, the release of such materials shall be in accordance with fractional quantities permitted as currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. Measurement of toxic matter shall be at ground level or habitable elevation and shall not exceed 1/30 of the threshold limit across lot lines.

D. Odors from any permitted or special permit use in the PIP District shall not be perceptible beyond lot lines of a subject parcel of land.

E. Any process, operation or activity producing glare shall be conducted so that any direct or indirect illumination from the source of light shall not cause illumination in excess of 0.5 footcandle at the district borders of the planned industrial park. Flickering or flashing sources of illumination shall be controlled so as not to be visible beyond the district borders of the planned industrial park.

F. Heat or cold from any process, operation or activity shall not alter the temperature of the air, land or water by more than 5° F. when measured at the district borders of the planned industrial park.

G. Water supply; sewers.

(1) Organic and inorganic chemicals which have a maximum contamination level of 0.1 milligram per liter or less, as established under the Drinking Water Regulations of Massachusetts through the Department of Environmental Quality Engineering, may be manufactured or stored in the PIP District only with a special permit from the Planning Board, provided that it is determined that such material will not endanger the water supply.

(2) All buildings used in the PIP District must be connected to the sanitary sewer system. Discharge shall conform with the Industrial Discharge Requirements of the Metropolitan District Commission.

(3) Construction and use of pretreatment facilities for wastes which cannot be discharged into the public sanitary sewer is prohibited.

(4) Salt (NaCl) application to roads, parking and other paved surfaces is prohibited.

(5) Oil-separation devices shall be installed in all catch basins draining paved surfaces.

(6) All roof drains shall be dispersed to preserve the groundwater recharge abilities of the land within the PIP District.

(7) Ancillary storage of naphthas (gasolines, kerosenes and mixtures of gasolines and oils which have a density of less than 0.86 grams per cubic centimeter) is permitted in the PIP District only with a special permit from the Planning Board, provided that it is determined that such material will not endanger the water supply.

#### H. Detonable materials.

(1) Detonable materials include but are not limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, ROX, HMX, PETN and picric acid; propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetroxoles and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentration greater than 35%.

(2) Manufacture of or manufacturing processes which result in by-products of detonable material is strictly prohibited.

(3) Storage or utilization of detonable materials, as well as storage, utilization or manufacture of high-hazard fire materials, shall be limited to quantities approved by the Fire Department and shall be contained in a suitable structure with setbacks as approved by the Weymouth Fire Department and Building Department.

~ 120-35. Signs and off-street parking.

A. The provisions for signs set forth in Article XVI of this bylaw for Industrial District I-1 shall be applicable to the Planned Industrial Park District.

B. The provisions for off-street parking set forth in Article XVII of this bylaw for Industrial District I-1 shall be applicable to the Planned Industrial Park District.

ARTICLE XA  
Planned Office Park District  
[Added October 1985 STM by Art. 23,  
approved 1-27-1986]

~ 120-35.1. Purpose.

The purpose of the Planned Office Park (POP) District is to provide a zone for a park-like development of general office and light industrial uses of such a nature so as to promote orderly and harmonious growth; so as to control, avoid, mitigate or reduce the adverse environmental impacts attendant with such development; to protect adjacent land uses from incompatible industries; and to promote the operation and expansion of commerce within the district.

~ 120-35.2. Construal of district uses.

No building, structure or land shall be used and no building or structure shall hereafter be erected, altered, enlarged or maintained, except for one or more of the following uses. Any use not so specified hereunder shall be deemed prohibited.

~ 120-35.2.1. Permitted uses. [Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. The following uses are permitted:

- A. Office buildings for general office purposes.
- B. Light industry associated with component assembly or packaging, but not including the processing or manufacturing of the same.
- C. Ancillary warehouse or storage facility associated with a principal use not to exceed 80% of the total floor area.
- D. Research and development buildings involving activities which do not utilize or store hazardous materials or wastes.

~ 120-35.2.2. Special permit uses.

The following uses may be allowed by the Planning Board subject to the issuance of a special permit pursuant to ~ 120-123 and 120-126 of this bylaw.

- A. Ancillary warehouse or storage facility associated with a principal use exceeding 80% of the total floor area.
- B. Research and development buildings involving activities which utilize or store hazardous material or wastes, notwithstanding the provisions of ~ 120-35.2.3A below.
- C. Hotel or motel.
- D. Retail sales and consumer service establishments accessory to any permitted use and dealing primarily with employees of establishments permitted, provided that such uses shall not occupy more than 5% of the total floor area of all buildings on any lot or group of contiguous lots in common ownership or control.
- E. Light industrial uses associated with the processing or manufacture of durable or nondurable goods.
- F. Function hall, conference center or assembly hall. [Added August 1989 STM by Art. 5, approved 11-17-1989]
- G. Nursing home. [Added June 1992 STM by Art. 5, approved 11-12-1992]
- H. Place of recreation or assembly. [Added May 1994 ATM by Art. 56, approved 8-19-1994]

~ 120-35.2.3. Prohibited uses.

The following activities are expressly prohibited from the POP District:

- A. Storage, utilization, manufacture, processing or packaging of any hazardous materials, including but not limited to flammable liquids or gases, organic and inorganic chemicals and naphthas; any United States Environmental Protection Agency listed or characteristic hazardous waste; and detonable material.
- B. Application or utilization of de-icing materials, including but not limited to salts (NaCl and CaCl<sub>2</sub>) and other chemicals to paved surfaces.
- C. Open lot storage of new building material, contractors' equipment, machinery, metals, scrap paper or junk.
- D. Terminals and yards for the storage and servicing of trucks or buses.

~ 120-35.3. Off-street parking.

Any permitted or special permit use shall be subject to the provisions of Article XVII of this bylaw for required off-street parking

~ 120-35.4. Other requirements.

- A. All buildings in the POP District shall be connected to the sanitary sewer system.
- B. Oil separation devices shall be installed in all catch basins draining paved surfaces.
- C. All roof drains shall be dispersed to preserve the groundwater recharge abilities of the land within the POP District.

~ 120-35.5. Off-street loading and unloading.

Any permitted or special permit use shall be subject to the provisions of Article XVIII of this bylaw for required off-street loading and unloading space needs.

~ 120-35.6. (Reserved)<sup>17</sup>

~ 120-35.7. Dimensional requirements.

Dimensional requirements for all uses in the POP District shall follow the district regulations applicable to the Planned Industrial Park District as shown on Table 1, Schedule of District Regulations, of this bylaw.<sup>18</sup>

## ARTICLE XI

### Industrial District I-2

[Amended June 1978 STM by Art. 2, approved 11-2-1978]

~ 120-36. Permitted uses. [Amended May 1989 ATM by Art. 48, approved 7-28-1989; May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, ~ 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In an Industrial District I-2, no building or premises shall be erected, altered or used for any purposes injurious, noxious or offensive to a neighborhood by reason of the emission

---

<sup>17</sup> Editor's Note: Former ~ 120-35.6, Site plan review, was repealed May 1993 ATM by Art. 56, approved 7-9-1993.

<sup>18</sup> Editor's Note: Table 1 is included at the end of this chapter.

of odor, fumes, dust, smoke, vibration or noise or other cause or for any purpose except the following:

- A. Uses permitted in Industrial District I-1, ~ 120-28A, B, C, D, E and F.
- B. Lunchroom, restaurant and cafeteria.
- C. Steam laundry and dry-cleaning and rug-cleaning establishment.
- D. Assembly, machine shop, manufacturing, auto repair, packaging, processing or other operation, whether making, repairing, finishing, packing or storing, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor are effectively confined to the premises or disposed of in a manner so as not to create a nuisance or hazard to fire, safety or health.
- E. Marina or yacht club and sales of boats, boat parts and accessories, fishing equipment, boat fuel and ice and similar supplies for boats, boat rental or charter, boat building, repair, service and storage.

~ 120-37. Special permit uses.

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

- A. Any use requiring a special permit in an Industrial District I-1, ~ 120-29.
- B. Open-lot storage of new building material, contractors' equipment, machinery and metals, other than scrap or junk, and similar materials, provided that any material stored in unenclosed premises to a height greater than four feet above grade level is surrounded by a substantial seven-foot-high wall, tight fence or a proper landscape screening.
- C. Open-lot storage of coal, coke, sand or other solid fuel or similar material of such storage in silos or hoppers, provided that all dust and dirt incident to storage or handling is effectively confined to the premises, and further provided that any material stored in unenclosed premises to a height greater than four feet above grade level is surrounded by a substantial seven-foot-high wall or tight fence.
- D. Commercial parking lot or parking garage. [Amended May 1989 ATM by Art. 47, approved 7-28-1989]
- E. Water freight terminal facility, including docks, piers, wharves, storage sheds for waterborne commodities and rail and truck facilities accessory to water port facilities.
- F. Helicopter landing facilities.

G. Place of recreation or assembly. [Added May 1994 ATM by Art. 56, approved 8-19-1994]

## ARTICLE XII Open Space District

~ 120-37.1. Reuse of surplus public and quasi-public property. [Added November 1981 STM by Art. 12, approved 3-3-1982]

A. Intent. The special permit use process allows for the reuse of surplus public and quasi-public properties. It is intended to allow for innovative designs that will permit a practical reuse of these properties as well as result in a balanced development of high standards. It is further intended to provide safeguards that will prevent detrimental effects and impacts on the neighboring properties, especially on abutting residential districts. The following uses, uses customarily accessory thereto, dimensional requirements, signs and parking may be granted as a special permit by the Planning Board subject to the conditions and requirements of Article XXV in so far as they comply with the intent expressed herein.

B. Uses.

(1) A building or group of buildings for occupancy by two or more families in separate dwelling units and any accessory uses and structures customarily associated herewith, including swimming pools, recreation facilities, garages and the like.<sup>19</sup>

(2) Clinic or office of business, professional or financial organizations.

(3) Trade, professional or other school conducted as a gainful business.

(4) Retail sales and services such as convenience grocery stores, newsstands, barbers, hairdressers, drugstores and like facilities primarily for the use of on-site residents, tenants or patrons, provided that retail uses and services do not constitute more than 25% of the floor area of the building.

(5) Light assembly or packaging of components or merchandise associated with office uses. [Added October 1985 STM by Art. 21, approved 1-27-1986]

C. Dimensional requirements.

(1) A minimum lot size: 20,000 square feet for newly constructed lots.

(2) A minimum lot area (square feet per dwelling unit): all buildings for multiple-family residential use based on a floor area ratio of 0.25. See ~ 120-6.

---

<sup>19</sup> Editor's Note: Former Subsection B(2), regarding licensed day-care nursery centers, which immediately followed this subsection, was repealed May 1992 ATM, Art. 46, approved 10-1-1992. Said Article also redesignated former Subsections B(3) through (6) as B(2) through (5), respectively.

(3) Front yard depth: minimum of 20 feet for buildings and five feet of landscaped space for paved areas excluding entrance drives.

(4) Side and rear yards depth: minimum of 25 feet for buildings and five feet of landscaped space for paved areas.

(5) Lot coverage: maximum of 80% of lot area for buildings and paved areas (parking, drives and loading areas).

(6) Height: maximum of 35 feet for new construction.

D. Signs. Requirements for signs shall be determined by the special permit granting authority based on proposed uses, i.e., residential uses shall follow ~ 120-64.1 and all other uses shall follow ~ 120-64.2 through 120-64.4. When the property fronts in a predominately residential neighborhood, the sign requirements shall be reviewed to mitigate any adverse impacts. All other sections of Article XVI shall apply as necessary. [Amended May 1989 ATM by Art. 48, approved 7-28-1989]

E. Parking. Off-street parking spaces shall be provided in accordance with the following minimum requirements:

(1) Dwellings, multiple: 1.5 spaces for each dwelling unit.

(2) Medical offices: 0.6 of a space for each 100 square feet of floor area.

(3) Offices, all other types: 1/3 of a space for each 100 square feet of floor area.

(4) Retail business and service establishments: 1/2 of space for each 100 square feet of floor area.

(5) Unlisted requirements: Reasonable off-street parking requirements for buildings and uses not listed in this section shall be determined by the special permit granting authority.

(6) All other sections of Article XVII shall apply as necessary.

~ 120-38. Permitted uses.

In an Open Space District, no building or premises shall be erected, altered or used for any purpose except:

A. Municipal use.

B. Cemetery.

ARTICLE XIIA  
Floodplain District  
[Added May 1980 by Art. 50, approved  
8-27-1980; amended in its entirety  
January 1990 by Art. 16, approved  
3-26-1990]

~ 120-38.1. Intent.

The Floodplain District is established for the following purposes:

- A. To promote the health, safety and welfare of the occupants of land against the hazards of flooding.
- B. To preserve and protect the streams and other watercourses in Weymouth and its adjoining lands.
- C. To protect the community against detrimental use and development which cause increases in erosion, flood heights or flood velocities.
- D. To minimize losses by provisions designated to restrict or prohibit uses which are dangerous to health, safety or property due to water or erosion hazards.

~ 120-38.2. Establishment; determination of boundaries.

A. The Floodplain District is hereby established as an overlay district to include all Special Flood Hazard Areas designated as Zone A, AO, AH, A1-A30, A99, B, C, D, V and V1-V30, as shown on the maps titled "National Flood Insurance Program, FIRM, Flood Insurance Rate Map," Nos. 250257 0001 through 0009, Town of Weymouth, most recent revision August 19, 1991 and the Floodway Fringe as shown on the "National Flood Insurance Program, Floodway, Flood Boundary and Floodway Map," Nos. 250257 0001 through 0009, Town of Weymouth, , most recent revision August 19, 1991, on file with the Town Clerk, Inspector of Buildings, Planning Board and Engineering Division of the Weymouth Department of Public Works. [Amended May 1999 ATM by Art. 18, approved 8-19-1999]

B. The boundaries of the Floodplain District shall be determined by scaling distance on the National Flood Insurance Program maps. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the National Flood Insurance Program Maps, the Inspector of Buildings shall make the necessary interpretation.

C. Any discrepancy with the boundaries and/or elevations as given on the FIRM, Flood Insurance Rate Map, shall be submitted to the Federal Emergency Management Agency, Flood Insurance Administration, for its approval, otherwise the conditions and requirements of this bylaw shall apply to the land in accordance with the Floodplain Zone as shown.

~ 120-38.3. Permitted uses.

A. Within the Floodplain Overlay District, all uses shall follow the specific permitted uses and special permit uses of the underlying zoning district.

B. All provisions of this bylaw affecting a permitted use shall be applicable in the Floodplain District.

C. Where so noted in this section, the special permit granting authority shall be the Planning Board, except in those cases where the use within the underlying zoning district requires a special permit, in which case the special permit-granting authority shall be the specified permit-granting authority of the underlying district, which shall, in conjunction therewith, consider the floodplain special permit.

D. In addition to all provisions of this bylaw that affect the underlying district, the following additional procedures shall apply for all filling, permitted uses, special permitted uses and substantial improvements of any structure (the cost of which equals or exceeds 50% of the market value of the structure) where any portion of such lies within the various floodplain zones as stipulated below:

(1) Zone C: none.

(2) Zone B: a topographic plan, prepared by a registered civil engineer or registered land surveyor, shall be filed with the Planning Board, which indicates the existing ground and flood zone elevations and all proposed changes of ground and flood zone elevations within the zone. [Amended May 1993 ATM by Art. 56, approved 7-9-1993]

(3) Zones A, AO, AH, A1-A30, A99: A special permit from the special permit granting authority is required, subject to the special criteria set forth in §§ 120-38.4 and 120-38.5 and subject to the procedures of § 120-123. [Amended May 1999 ATM by Art. 18, approved 8-19-1999]

(4) Zones V and V1-V30. [Amended May 1999 ATM by Art. 18, approved 8-19-1999]

(a) A special permit from the special permit-granting authority is required, subject to the criteria set forth in §§ 120-38.4 and 120-38.5 and subject to the procedures of § 120-123 when any portion thereof is located landward of mean high tide.

(b) Seaward of mean high tide new structures are prohibited and existing structures shall not be enlarged.

(5) Floodway, as shown on the maps, is essentially the natural drainage for the one-hundred-year floodwaters, comprising streams, brooks, etc. No building, filling or other encroachment is permitted in floodway.

~ 120-38.4. Special permit uses.

A. The special permit-granting authority may require such information, data and testing to be performed at the applicant's expense in order to achieve a finding of compliance. Such information may include but not be limited to spot elevations and drainage calculations.

B. The special permit-granting authority may approve any application for a special permit where specified in ~ 120-38.3D(3) only if it finds that, in its judgment, all of the following criteria are met:

(1) The subject land is not subject to flooding or, if Subsection B(1) is not proven, then:

(2) The subject land is not unsuitable because of drainage conditions on-site as well as on abutting properties upstream and downstream.

(3) The proposed activity will not increase the water surface elevation of the one-hundred-year flood at any point within the town.

~ 120-38.5. Construction criteria for special permits.

The following criteria shall apply to any special permit use granted within the one-hundred-year floodplain:

A. All new construction and substantial improvements of residential structures shall have the lowest portion of all structural members supporting the lowest floor, including basement or cellar, elevated at least one (1) foot above the one-hundred-year-flood elevation. [Amended May 1999 ATM by Art. 18, approved 8-19-1999]

B. All new construction and substantial improvements of nonresidential structures shall be floodproofed at least to a point one foot above the one-hundred-year flood elevation. "Floodproofed" shall mean watertight, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic loads and effect of buoyancy.

C. Within the Floodplain District, one-hundred-year flood elevations shown on the approved Flood Insurance Rate Map shall govern. Where the one-hundred-year flood elevation is not provided, the Planning Board shall produce and maintain any already existing one-hundred-year flood elevation data, and it shall be used to meet the above requirements.

D. Within the Floodplain District, one-hundred-year-flood elevations shown on the approved Flood Insurance Rate Map shall govern. Where the one-hundred-year-flood elevation is not provided, for all unnumbered Zones A and V, the base elevation data is required and shall be the responsibility of the applicant. The Planning Board shall produce and maintain any already existing one-hundred-year-flood elevation data, and it may be used to supplement the above requirements. [Amended May 1999 ATM by Art. 18, approved 8-19-1999]

~ 120-38.6. Reference to existing regulations. [Amended May 1999 ATM by Art. 18, approved 8-19-1999]

The Floodplain District is established as an overlay district to all other districts. All development in the floodplain, including structural and non-structural activities, whether permitted by right or by special permit may be subject to compliance with other regulations such as, but not limited to:

- A. Mass. General Law Chapter 131, Section 40.
- B. Massachusetts State Building Code, 780 CMR 3107.0 Flood Resistant Construction.
- C. Inland Wetland Restriction, DEP, 302 CMR 6.00.
- D. Coastal Wetlands Restriction, DEP, 302 CMR 4.00.
- E. Minimum Requirements for Subsurface Disposal of Sanitary Sewerage, DEP 310 CMR 15, Title 5.

ARTICLE XIII  
Nonconforming Uses  
[Amended June 1978 STM by Arts.  
2 and 3, approved 11-2-1978]

~ 120-39. Continuation.

Any building or structure or any use of a building or structure or premises or part thereof lawfully existing at the time this bylaw or any amendment thereto is adopted may be continued although such building or structure or use does not conform to the provisions thereof. This article shall not apply to nor grant any exemption to any billboards, signs or other advertising devices subject to General Laws, Chapter 93, Sections 29 to 33 and Chapter 93D.

~ 120-40. Extension or change by special permit. [Amended May 1989 ATM by Art. 49, approved 7-28-1989]

Any lawful building or structure or use of a building or structure or premises or part thereof at the time this bylaw or any amendment thereto is adopted, 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 to the neighborhood, subject to the conditions and requirements of Article XXV of this bylaw.

~ 120-41. Exception to limitation on restoration by special permit. [Amended May 1989 ATM by Art. 49, approved 7-28-1989]

No building or structure which has been damaged by fire or other causes to the extent of more than 3/4 of its value shall be repaired or rebuilt except in conformity with this bylaw, unless the Board of Zoning Appeals finds that the restoration is for the same use and that the building or structure is not substantially greater in area, height or size and not nearer to adjoining lots, subject to the conditions and requirements of Article XXV of this bylaw.

~ 120-42. Abandonment or discontinuance. [Amended May 1989 by Art. 49, approved 7-28-1989]

If the nonconforming use of any building or structure shall be abandoned or shall be discontinued for a period of 24 consecutive months, it shall not be reestablished, and all future use thereof shall be in conformity with the applicable provisions of this bylaw, unless prior to the expiration of the 24 months permission to reestablish said use has been applied for and thereafter granted by special permit from the Board of Zoning Appeals.

~ 120-43. Structures in progress with permits issued.

It is hereby provided that construction or operations under a building permit or special permit shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within a period of not less than six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

#### ARTICLE XIV Applicability of District Regulations

~ 120-44. Compliance with bylaw required.

No structure or land shall be hereafter used and no structure or part thereof shall be erected or moved nor shall the exterior be altered unless in conformity with the regulations of this bylaw for the district in which it is located, except as provided for in Article XIII.

~ 120-45. Open space.

No yard or open space required for a building by this bylaw shall, during the life of such building, be occupied by or counted as open space for another building.

~ 120-46. Visibility at intersections.

In any district where a front yard is required, no structure, fence or planting shall be maintained within 30 feet of any corner street line intersection and within the required front yard, above a height of three feet above curb level or so as to interfere with traffic visibility across the corner.

~ 120-47. Projections into required yards. [Amended April 1971 ATM by Art. 47, approved 8-24-1971]

Nothing herein shall prevent the projection of steps, cornices, windowsills, balconies, chimneys, flues and fire escapes and other ornamental features into any required yard area.

~ 120-48. Reduction of lot area.

No lot on which is located any building in any district shall be reduced or changed in area or shape so that the building or lot fails to comply with the provisions of this bylaw. This section, however, shall not apply in the case of a lot a portion of which is indicated for a public purpose.

~ 120-49. Calculation of side yard area for certain yards.

Where a side wall of a building is not parallel with the side lot line, the required width of any side yard may be taken as the average width, provided that said side yard shall not be narrower at any point than 80% of the required width.

~ 120-50. Exceptions to height regulations. [Added May 1989 ATM by Art. 50, approved 7-28-1989<sup>20</sup>; amended May 1992 ATM by Art. 34, approved 10-1-1992]

A. The limitation of height in feet as set by ~ 120-51, Schedule of District Regulations (Table 1), and as further regulated by ~ 120-57 shall not apply to church spires or flagpoles.

B. The limitation of height in feet as set by ~ 120-51, Schedule of District Regulations (Table 1), and as further regulated by ~ 120-57 may be extended an additional 10 feet for chimneys, antennas, ventilators, skylights, tanks, elevator/mechanical penthouses or other accessory features usually carried above roofs, provided that they are in no way used for living purposes.

---

<sup>20</sup> Editor's Note: This article also repealed former ~ 120-50, Unusual buildings prohibited.

ARTICLE XV  
Dimensional Requirements

~ 120-51.<sup>21</sup> Schedule of District Regulations. [Added May 1989 ATM by Art. 51, approved 7-28-1989]

No structure shall be erected, altered or moved, except in conformity with Table 1, Schedule of District Regulations, at the end of this chapter.

~ 120-52. Exception for erection of single-family dwelling on previously recorded lots. [Amended May 1989 ATM by Art. 51, approved 7-28-1989]

A single-family dwelling may be erected on a lot containing less than is hereby prescribed if such lot was recorded at time of the adoption of this bylaw, if separately owned and containing not less than 5,000 square feet and if it did not at the time of such adoption adjoin other land of the same owner available for use in connection with said lot; provided, however, that any building erected thereon shall conform to all other provisions of this bylaw. See Table 1 for applicability.<sup>22</sup>

~ 120-53. Exceptions by Board of Zoning Appeals. [Amended May 1989 ATM by Art. 49, approved 7-28-1989]

If adjoining areas have been developed to a substantial extent by the construction of dwellings on lots generally smaller than is prescribed by this article and the standard of the neighborhood so established does not reasonably require a subdivision of the applicant's land into lots as large as is hereby prescribed, the Board of Zoning Appeals, by special permit, may grant such relief by making exceptions to the forms of this article, subject to the conditions and requirements of Article XXV of this bylaw. See Table 1 for applicability.<sup>23</sup>

~ 120-53.1. Minimum upland area. [Added May 1986 ATM by Art. 46, approved 7-24-1986; amended May 1998 ATM by Art. 43, approved 10-23-1998]

Any lot created after May 4, 1998, shall have a minimum upland area, as defined in ~ 120-6, of seventy-five percent (75%) of the minimum required lot area.

~ 120-54. Confinement of accessory uses to rear yard required. [Amended May 1989 ATM by Art. 48, approved 7-28-1989]

---

<sup>21</sup> □ Editor's Note: Former ~ 120-51, Exception to minimum lot area requirement, amended February 1985 STM by Art. 7, approved 6-3-1985, was repealed 5-2-1988 ATM, Art. 51, approved 9-2-1988.

<sup>22</sup> □ Editor's Note: Table 1 is included at the end of this chapter.

<sup>23</sup> □ Editor's Note: Table 1 is included at the end of this chapter.

Building of an accessory use, other than a private garage or carport, shall be confined to the rear yard area, and no building of any accessory use shall be permitted in the required front yard.

~ 120-55. One-story accessory use building. [Amended May 1989 ATM by Art. 48, approved 7-28-1989]

A one-story building of accessory use may be built no closer than five feet from a side lot line and/or the rear lot line.

~ 120-56. Front lot line, frontage and frontage width. [Amended April 1971 ATM by Art. 47, approved 8-24-1971; May 1997 ATM by Art. 42, approved 8-11-1997]

A. Each lot shall have a front lot line, as said term is defined in ~ 120-6, of not less than 40 feet, unless stated otherwise in Table 1, Schedule of District Regulations, at the end of this chapter. [Amended May 1990 STM by Art. 1, approved 8-29-1990]

B. Lots within a Neighborhood Center District NCD shall have a minimum front yard depth of 18 feet unless the alignment of two or more existing buildings on lots on either or both sides of said lot and within a distance of 150 feet and fronting on the same side of the same street in the same block is nearer the street than the required front yard depth, in which case the average of the existing alignment of all buildings within that distance may be required front yard depth. [Added May 1983 ATM by Art. 48, approved 8-26-1983]

C. Each lot shall have frontage and frontage width, as said terms are defined in ~ 120-6, of no less than 40 feet, unless stated otherwise in Table 1, Schedule of District Regulations, at the end of this chapter. [Added May 1985 ATM by Art 44, approved 7-25-1985; amended May 1990 STM by Art. 1, approved 8-29-1990; May 1997 ATM by Art. 42, approved 8-11-1997]

~ 120-57. Height limits on structures abutting R-1 Districts or schools. [Amended May 1989 ATM by Art. 51, approved 7-28-1989]

If abutting a Resident District R-1 or school, no building or structure shall be erected to a height in excess of 2 1/2 stories, not to exceed 35 feet. See Table 1 for applicability.

~ 120-58. Exception for erection on previously recorded lots. [Amended May 1989 ATM by Art. 51, approved 7-28-1989]

A building may be erected on a lot containing less than is hereby prescribed if such lot was recorded at the time of the adoption of this article of the bylaw, if separately owned and containing not less than 5,000 square feet and if it did not at the time of such adoption adjoin other land of the same owner available for use in connection with said lot; provided however, that any buildings erected thereon shall conform to all other provisions of this bylaw. See Table 1 for applicability.

~ 120-59. Setback restrictions for buildings abutting residential districts or schools. [Amended May 1989 ATM by Art. 51, approved 7-28-1989]

If abutting a residential district or school, no building or structure shall be built or placed within 20 feet of a side lot line and/or a rear lot line. See Table 1 for applicability.

~ 120-59.1. Measurements across lots. [Added February 1985 STM by Art. 7, approved 6-3-1985; amended May 1997 ATM by Art. 42, approved 8-11-1997]

If any lot in existence as of February 25, 1985, is to be subdivided into three or more lots or if any lot subsequently created is to be subdivided, then each subdivided lot shall have a minimum lot measurement across the front yard from side lot line to side lot line at any point from the lot line to the minimum lot width line at the front line of the building shall not be less than 60% of the minimum required lot width, and no portion of a principal building shall be erected on any portion of a lot which is less than the required lot width as set forth in these bylaws. Said minimum required lot width shall extend an additional 20 feet beyond the rear portion of the principal building.

~ 120-60. Lot width for areas where rear land available for development. [Amended May 1989 ATM by Art 51, approved 7-28-1989]

In areas where there is rear land for development that may require access through the lots involved, then the lot width shall be 200 feet. See Table 1 for applicability.

~ 120-61. Side setback requirement for certain lots. [Amended May 1989 ATM by Art. 51, approved 7-28-1989]

If a lot has a lot width of less than 199 feet, then the buildings shall not be less than 15 feet from a side lot line. See Table 1 for applicability.

~ 120-62. Location on lot restrictions for structures abutting R-1 District or school. [Amended May 1989 ATM by Art. 51, approved 7-28-1989]

If abutting a Resident District R-1 or school, no building or structure shall be built or placed within 50 feet of a side lot line and/or a rear lot line. See Table 1 for applicability.

~ 120-62.1. Front yard landscaping. [Added May 1992 ATM by Art. 36, approved 10-1-1992]

The front yard area comprising the minimum required front yard setback depth and measured across the lot width shall be landscaped, except for required access driveways and walkways. The

minimum landscaped depth may be reduced to 15 feet in the HT, MS and B-1 zoning districts if a landscaping plan is approved by the Inspector of Buildings. See Table 1 for applicability.

~ 120-63. Planned unit developments. [Added June 1978 STM by Art. 2, approved 11-2-1978; amended May 1995 ATM by Art. 74, approved 7-1-1995]

If a special permit is sought pursuant to ~ 120-13, 120-18 and 120-22, the following minimum regulations shall be required.

A. In addition to the requirements of Article XXV, the Planning Board will have to make a finding that the planned unit development plan is superior to a conventional plan for that zoning district in minimizing the environmental impacts, providing for protection of natural resources and allowing for more efficient provision of services and use of the land.

B. Minimum land area shall be 25 acres in the R-1 Zone and five acres in the R-3 and R-4 Zones.

C. The use of the land shall be a mixture of residential with open space and recreational uses and may include uses customarily accessory thereto.

D. In a R-1 District, within a PUD, no structure shall be erected, altered or moved, except in conformity with Table 1, Schedule of District Regulations, as applicable to the R-1 District, with the following exceptions:

(1) The special permit granting authority shall approve all lot area, lot width and lot setback dimensions.

(2) All lots within a PUD shall conform to ~ 120-53.1, 120-54 and 120-56.

(3) A twenty-foot setback for all buildings, parking and loading shall be provided around the outside perimeter of a PUD.

E. In R-3 and R-4 Districts, within a PUD, no structure shall be erected, altered or moved, except in conformity with Table 1, Schedule of District Regulations, as applicable to the R-1 District, with the following exceptions:

(1) The special permit granting authority shall approve all lot area, lot width and lot setback dimensions.

(2) All lots within a PUD shall conform to ~ 120-53.1, 120-54, 120-56 and 120-57.

(3) A twenty-foot setback for all buildings, parking and loading shall be provided around the outside perimeter of a PUD.

F. The number of dwelling units shall not exceed the number of dwelling units permitted under the zoning classification of the tract if the tract were developed pursuant to the Zoning Bylaw, the Subdivision Control Law, Massachusetts General Laws Chapter 131, Weymouth Code Chapter 119 and other applicable laws and regulations.

G. More than one building for residential purposes may be permitted on a lot in a PUD.

H. More than one dwelling unit may be permitted in a building in a PUD.

## ARTICLE XVI

### Signs

[Amended February 1972 STM by Art. 6, approved 5-8-1972; October 1975 STM by Art. 19, approved 1-26-1976; May 1980 ATM by Art. 53, approved 8-27-1980; October 1982 STM by Art. 3, approved 1-11-1983; May 1983 ATM by Art. 48, approved 8-26-1983; October 1985 STM by Art. 22, approved 1-27-1986]

~ 120-64. (Reserved)

~ 120-64.1. Signs in residential districts.

No billboard, sign or other advertising matter of any kind shall be erected on any premises or maintained within public view or facing an adjoining residential lot in any residential district, except as hereinafter provided:

A. One sign not exceeding two square feet in area and pertaining to the use of the premises or bearing the name and/or occupation of the occupant. The sign may be attached to the building or may be on a rod or post not more than six feet high and at least three feet from the street line.

B. A lot containing 10 or more residential dwelling units may have either one wall sign or one freestanding sign for identification purposes which may contain any of the following: property name, address, property owner/manager and telephone number; and, further, subject to all size, height and lighting criteria applicable to these districts.

(1) Wall signs shall not exceed 12 square feet, nor shall any such sign project beyond the face of any other wall nor project more than 18 inches from said wall, and further provided that in no case shall the uppermost edge of such sign exceed 20 feet above grade.

(2) Freestanding signs shall not exceed 12 square feet per side with a total surface area of all sides not exceeding 24 feet, and further provided that such sign shall comply with height and setback criteria as specified for business districts.

C. One "for sale" or "for rent" sign not exceeding six square feet in area and advertising only the premises on which the sign is located and, in any case, to remain no longer than a four-month period in any calendar year, after which period, a permit may be given by the Inspector of Buildings for an additional four-month period upon written application, if need is shown.

D. One building contractor's sign not to exceed 12 square feet in area may be temporarily maintained on the premises while the same are actually under construction.

E. A permitted nonresidential or nonconforming use may have either one wall sign up to a maximum area of six square feet; or one freestanding sign up to a maximum area of six square feet per side with a total surface area of all sides not exceeding 12 square feet.

F. All signs may be illuminated by continuous reflected illumination only.

G. No sign shall exceed 20 feet in height above grade.

H. Political sign. Political signs shall be those signs pertaining to a candidate for election or ballot questions. Each sign shall not exceed six square feet in size. Signs shall be erected no earlier than 35 days prior to an election and shall be removed within three days after the election. [Added May 1992 ATM by Art. 47, approved 10-1-1992]

~ 120-64.2. Signs in Residence R-2 and Neighborhood Center Districts. [Amended May 1990 STM by Art. 1, approved 8-29-1990]

Signs in a Residence R-2 District and Neighborhood Center District advertising conforming uses shall be subject to the following conditions:

A. Each place of business shall be allowed one permanent wall sign parallel to the exterior building facade, projecting not more than 12 inches from said wall and having an aggregate area of two square feet for each horizontal foot of building frontage of said business, provided that the area of said sign shall not exceed 20 square feet, and further provided that the uppermost edge of said sign shall not exceed 20 feet above grade or above the roofline, whichever is lower in height.

B. Each lot shall be allowed one freestanding sign, provided that the foremost building on the lot is set back from the front lot line a minimum of 10 feet, subject to the following criteria:

(1) The sign area shall not exceed 15 square feet per side with a total surface area of all sides not exceeding 30 square feet.

(2) Signs within 25 feet of a street or way line shall have either the uppermost edge of the sign no more than three feet above grade or the lowermost edge of the sign no less than eight feet above grade and the uppermost edge not to exceed 20 feet above grade.

C. Signs shall be set back from any adjoining residential district lot line at least the front yard distance required in the adjoining residential district.

D. Any lights used for illumination shall be so arranged as to reflect light away from an adjoining residential district.

~ 120-64.3. Signs in business districts. [Amended May 1990 STM by Art. 2, approved 8-29-1990; May 1990 STM by Art. 3, approved 8-29-1990]

Signs advertising conforming uses located on the premises are allowed with the following conditions:

A. Wall signs parallel to an exterior wall of a building for each place of business shall be permitted, provided that the same shall not project beyond the face of any other wall, nor project above the roofline of said wall, nor project more than 18 inches from said wall, and provided further that the aggregate area of said signs shall not exceed one square foot for each horizontal foot of building frontage of each said business, and further provided that the area of said signs for each business shall not exceed 75 square feet.

B. One freestanding sign only for each lot, provided that the foremost building on the lot is set back from the front lot line a minimum of 10 feet, shall be permitted, subject to the following criteria:

(1) Sign area may be one square foot for each five feet of lot line front, provided that the total area of each surface shall not exceed 60 square feet and a total of all surfaces shall not exceed 120 square feet.

(2) The frontmost edge of the sign shall be set back from the front lot line a minimum of three feet in a B-1 District only.

(3) Signs within 25 feet of a street or way line shall have either the uppermost edge of the sign no more than three feet above grade or the lowermost edge of the sign no less than eight feet above grade and the uppermost edge not to exceed 25 feet above grade.

C. Wall or freestanding signs may use a portion of the permitted sign area for interchangeable characters, provided that such area shall not exceed three square feet plus an additional 10% of the sign face area.

D. Signs shall be set back from any adjoining residential district lot line at least the front yard distance required in the adjoining residential district.

E. Any lights used for illumination shall be so arranged as to reflect light away from an adjoining residential district.

~ 120-64.4. Signs in industrial districts. [Amended May 1987 ATM by Art. 50, approved 8-27-1987; May 1990 STM by Art. 2, approved 8-29-1990]

Signs identifying and/or advertising conforming uses located on the premises are allowed with the following conditions:

A. Wall signs parallel to an exterior wall of a building for each place of business shall be permitted, provided that the same shall not project beyond the face of any other wall nor project above the roofline of said wall nor project more than 18 inches from said wall, shall not exceed one square foot for each horizontal foot of building frontage of each said business, and further provided that the area of said signs for each business shall not exceed 75 square feet.

B. One freestanding sign only for each lot shall be permitted, subject to the following criteria:

(1) Signs shall be set back a minimum of 10 feet from any street, way, driveway, parking area and loading area.

(2) Sign area shall not exceed 20 square feet per side with a total surface area of all sides not to exceed 40 square feet.

(3) The uppermost edge of said sign shall not exceed six feet above grade.

C. One freestanding directory sign is permitted, provided that there is no other freestanding sign on the lot, at the principal entrance to a group of buildings or building in which various businesses are conducted, listing only the name and location of said building, and provided further that said listing shall be no larger than three square feet; and in addition to said sign listings there shall be permitted, and as part of the freestanding sign, a sign identifying the name of the industrial park or building, not to exceed 30 square feet. The total sign area of each surface shall not exceed 100 square feet, and the total area of all surfaces shall not exceed 200 square feet. The height of said sign shall not exceed 25 feet above grade, and the lower edge of the sign shall be no less than eight feet above grade if said sign is within 25 feet of a street or way line.

D. Signs shall be set back from any adjoining residential district lot line at least the front yard distance required in the adjoining residential district.

E. Any lights used for illumination shall be so arranged as to reflect light away from adjoining residential districts.

~ 120-64.5. Regulations applicable in all districts.

The following provisions shall apply in all districts:

A. Churches and nonprofit institutions may be permitted either a maximum of two wall signs, any portion of which may be used as an announcement or bulletin board, provided that the

total area of all signs shall not exceed 20 square feet, or one freestanding sign, for which the area of each surface shall not exceed 40 square feet and the total of all surfaces shall not exceed 40 square feet.

B. A permitted business use may use any portion of its permitted sign area for a clock, thermometer and/or calendar, which changes on a synchronized basis.

~ 120-64.6. Prohibited signs.

In the interest of public safety, the following are not permitted:

A. Any sign or advertising device with visible moving or movable parts (except as provided in this bylaw) or with flashing, animated or intermittent illumination or which is noise-making. Exempted from this section is any automated, illuminated barber pole, used in advertising the licensed profession of barbering, which does not exceed 39 inches in height and 10 1/2 inches in width and is attached to the building. [Amended September 1996 STM by Art. 22, approved 1-2-1997]

B. Any colored sign so located as to attract attention from or obscure a traffic control light so as to reduce its visibility and effect.

C. Any sign within 25 feet of an intersection of two streets so placed in any way as to obstruct clear vision in any direction.

D. Any device illuminating a sign which directs light toward a public way in such a manner as to cast its beam in the eyes of oncoming motorists or pedestrians.

E. Any sign which contains a registered trademark or portrays a specific commodity for sale, unless said trademark or commodity is the principal activity conducted therein.

~ 120-64.7. Billboards.

No billboard shall be permitted.

~ 120-64.8. Nonconforming signs.

Signs or other advertising devices legally erected may continue to be maintained; provided, however, that no such sign or other advertising device shall be permitted if it is enlarged, reworded (other than in the case of permitted signs with changing messages), redesigned or altered in any way, including repainting in a different color, except to conform to the requirements of this bylaw, and provided further that any such sign or other advertising device which has deteriorated to such an extent that the cost of restoration would exceed 35% of the replacement cost of the sign or other advertising device at the time of the restoration shall not be repaired or rebuilt or altered except to

conform to the requirements of this bylaw. Any exemption provided in Article XVI shall terminate with respect to any sign or other advertising device which:

- A. Shall have been abandoned;
- B. Advertises or calls attention to any products, businesses or activities which are no longer sold or carried on at the particular premises; or
- C. Shall not have been repaired or properly maintained within 30 days after notice to the effect has been given by the Inspector of Buildings.

~ 120-64.9. Power of Inspector of Buildings.

- A. Any signs permitted by the zoning laws shall be erected to the satisfaction of the Inspector of Buildings.
- B. In addition to signs otherwise permitted, directional signs for the purpose of maintaining traffic control for public safety are permitted to be erected or placed at designated locations with the approval of the Inspector of Buildings. The size of such signs shall not exceed 4 1/2 square feet each.

~~ 120-65 through 120-68. (Reserved)

## ARTICLE XVII Off-Street Parking

~ 120-69. Off-street parking required; plan; exception.

No land shall be used or occupied and no structure shall be erected or used unless the off-street parking spaces as hereinafter required are provided. No application for a permit for erection of a new structure or for the development of a land use shall be approved unless it includes a plan for off-street parking facilities and is maintained thereafter in accordance with the requirements of this section, except that such parking spaces are not required for any structure or use existing at the time of enactment of this bylaw; provided, however, that parking spaces as specified in this article shall be provided for any enlargement or alteration to any such existing structure or use, and provided further that the increase is greater than 15%.

~ 120-70. Location requirements. [Amended April 1971 ATM by Art. 47, approved 8-24-1971]

The off-street parking spaces required by this section shall be as follows:

A. On the same lot as the structure or use they are intended to serve, except where such off-street parking spaces cannot be reasonably provided on the same lot in the Neighborhood Center District NCD, Business District B-2 and the Industrial District I-2, the Board of Zoning Appeals may by special permit grant exceptions to allow provisions of the required spaces on a separate lot or lots within a radius of 600 feet, measured from the lot line of the principal use. [Amended May 1983 ATM by Art. 48, approved 8-26-1983; May 1989 ATM by Art. 49, approved 7-28-1989]

B. [Amended May 1990 STM by Art. 1, approved 8-29-1990] When a required off-street parking space is in the form of a parking lot or other open air parking space in:

(1) Residence Districts R-1, R-2, R-3 and R-4, all required spaces for nonresidential uses shall be located behind the minimum required front setback. [Amended May 1998 ATM by Art. 42, approved 10-23-1998]

(2) Industrial District I-1, it shall be confined to side and rear yard areas.

C. When a required off-street parking space is in the form of a parking lot or other open-air parking space in Business Districts B-1, HT and MS, it shall not be located within less than 15 feet of a street line. [Amended May 1990 STM by Art. 2, approved 8-29-1990; May 1990 STM by Art. 3, approved 8-29-1990]

D. In the event that off-street parking spaces cannot be reasonably provided on the same lot within the Neighborhood Center District to accommodate nonresidential uses only, the Board of Zoning Appeals may grant exceptions to allow provision for counting on-street parking spaces within a radius of 150 feet, provided that it is demonstrated that the additional demand for such spaces can be reasonably met without placing an undue burden on existing facilities already relying on such spaces. [Added May 1983 ATM by Art. 48, approved 8-26-1983]

~ 120-71. Dimensional requirements. [Amended May 1987 ATM by Art. 51, approved 8-27-1987]

A. Parking spaces. Each individual parking space shall have minimum dimensions of 9 feet by 18 feet.

B. Driveway entrances. Driveway entrances in all districts, except the Low Density Residential (R-1) District, shall be a minimum of 12 feet in width for one-way traffic and 20 feet wide for two-way traffic.

C. Aisle widths. Aisle widths and turning spaces shall be adequate to ensure safe and proper operation and shall be established by recognized architectural/engineering standards as deemed appropriate by the Inspector of Buildings.

~ 120-72. Access to street required. [Amended May 1987 ATM by Art. 51, approved 8-27-1987]

Each parking space shall have vehicular access to a street without the need of moving any other vehicle. Driveways and aisles in all districts, except Low Density Residential (R-1), shall be so arranged so that vehicles will leave and enter the street with a forward motion.

~ 120-73. Construction requirements.

Every parcel of land which, after the effective date of this bylaw, is changed to a parking area for more than three vehicles, or to a drive-in business or motor vehicle sales or service establishment, shall be developed as follows, subject to the approval of the plans thereof by the Inspector of Buildings:

A. Such area, where subject to wheeled traffic, shall be smoothly graded, properly drained and treated with bituminous or other all-weather hard surface and shall have appropriate bumper or wheel guards where needed.

B. Where such area abuts a residential district, it shall not be located within less than five feet of the lot line, and a wall or fence of solid appearance or a tight evergreen hedge having a height of no less than five feet shall be erected and maintained between such area and the property in the residential district.

C. Any light used to illuminate said parking area shall be so arranged as to reflect light away from adjoining premises and streets.

~ 120-74. Minimum required spaces.

Off-street parking spaces shall be provided in accordance with the following minimum requirements:

A. Bowling alleys: three off-street parking spaces for each lane.

B. Dwellings, single and two-family: two spaces for each dwelling unit. [Amended May 1989 ATM by Art. 52, approved 7-28-1989]

C. Dwellings, multiple: two spaces for each dwelling unit. [Amended May 1997 ATM by Art. 41, approved 8-11-1997]

D. Eating and drinking establishments: one space for each 1 1/2 seats or two spaces for each 100 square feet of gross floor area, excluding basement storage area, as deemed necessary by the Inspector of Buildings. [Amended May 1997 ATM by Art. 41, approved 8-11-1997]

E. Funeral homes: one space for each company vehicle, plus one space for each three seats in meeting rooms.

F. Hospitals: one space per bed plus 1/2 of a space for each 800 square feet of gross floor area, excluding basement storage area. [Amended May 1990 STM by Art. 3, approved 8-29-1990]

G. Motels, hotels and lodging houses: one space for each guest room or dwelling unit.

H. Marinas: one space for each boat mooring and/or berthing space.

I. Medical, dental or professional building: one space for each 100 square feet of gross floor area, excluding basement storage area. [Amended May 1989 ATM by Art. 52, approved 7-28-1989; May 1997 ATM by Art. 41, approved 8-11-1997]

J. Nursing homes and rest homes: one space for each two beds. [Amended May 1997 ATM by Art. 41, approved 8-11-1997]

K. Offices: one space for each 200 square feet of gross floor area, excluding basement storage area. [Amended May 1989 ATM by Art. 52, approved 7-28-1989; May 1997 ATM by Art. 41, approved 8-11-1997]

L. Retail business and service establishments: one space for each 200 square feet of gross floor area on the first floor of a building, and one space for each 400 square feet of gross floor area thereafter for all floors used for office, retail or service businesses, excluding basement storage area.

M. Schools; day-care centers. [Amended May 1997 ATM by Art. 41, approved 8-11-1997]

(1) Schools: one space for each employee, including teachers and administrators, plus sufficient off-street space for safe and convenient loading and unloading of clients.

(2) Day-care centers: one (1) space for each employee, plus one (1) space for each 6 clients of the licensed capacity, not including any shared parking spaces, plus sufficient off-street space for safe and convenient loading and unloading of clients. Off-street space for loading and unloading shall consist of an additional minimum of one (1) space for each 12 clients of the licensed capacity. [Amended May 1998 ATM by Art. 42, approved 10-23-1998]

N. Theaters, auditoriums, assembly halls and other places of assembly: one space for each five seats or for each 100 square feet of auditorium area, if there are not fixed seats.

O. Wholesale establishments and industrial uses: one space for each two employees employed, plus space for every company-owned-and-operated vehicle, plus spaces for customers' vehicles as determined appropriate by the Inspector of Buildings.

P. Joint facilities: Accessory off-street parking for business and industrial uses may be provided in joint facilities designed to serve two or more buildings or uses, provided that the joint facilities shall not be less than the total required under the provisions of this bylaw.

Q. Mixed uses in a single building: Where a building has a mixture of uses for which accessory off-street parking space is required, spaces required will be the sum of the requirements of the various individual uses.

R. Unlisted requirements: Reasonable off-street parking requirements for buildings and uses not listed in this section shall be deemed in each case by the Inspector of Buildings.

~ 120-75. Issuance of certificates of occupancy.

No certificate of occupancy shall be issued unless required parking facilities shall have been provided in accordance with those designated and approved on the approved plan.

#### ARTICLE XVIII Off-Street Loading

~ 120-76. Off-street loading spaces required. [Amended May 1992 ATM by Art. 38, approved 10-1-1992]

No land shall be used or occupied and no structure shall be erected or used for nonresidential purposes in any use district requiring the loading and unloading of goods unless off-street loading spaces are provided. Further, for each nonresidential use or structure with a gross floor area of 30,000 square feet or less in which commodities are sold, displayed, serviced, repaired, altered or fabricated as the principal use of the parcel or lot, one off-street loading bay shall be provided with an additional loading bay for each additional 50,000 square feet of floor area, except that additional off-street loading bays shall be required by the Inspector of Buildings when necessary to provide adequate area for off-street loading.

~ 120-77. Off-street loading bay dimensions. [Amended May 1992 ATM by Art. 38, approved 10-1-1992]

Each such loading bay shall have minimum dimensions of 45 feet by 14 feet and 14 feet in height and may be located either within a building or outside and adjoining an opening in the building. Every part of such off-street loading bay shall be located completely off the street. In case trucks, trailers or other vehicles larger than the dimensions of the minimum requirements habitually service the building in question, additional space shall be provided so that such vehicles park or stand completely off the street.

~ 120-78. Construction requirements. [Amended May 1992 ATM by Art. 38, approved 10-1-1992]

Each loading bay shall be developed as follows:

A. Vehicles using the loading bay shall have vehicular access to a street, driveway or vehicular aisle without the need of moving any other vehicle, or without obstructing any driveway or vehicular aisle.

B. Such area, where subject to wheeled traffic, shall be smoothly graded, properly drained and treated with bituminous or other all-weather hard surface.

C. Where such area abuts a residential district, it shall not be located within five feet of the lot line, and a wall or fence of solid appearance or a tight evergreen hedge having a height of no less than five feet shall be erected and maintained between such area and the property in the residential district.

D. Any light used to illuminate said loading bay shall be so arranged as to reflect light away from adjoining premises and streets.

~ 120-79. Filing of plan required before permit issuance.

There shall be filed with every application for a construction permit a plan showing provisions for any off-street loading bays and use before the issuance of any building permit.

## ARTICLE XIX Earth Removal

~ 120-80. Removal outside of town prohibited.

The removal of sod and loam, from any land in the town to any location outside the town, is hereby prohibited under all circumstances.

~ 120-81. Permit required.

The removal of soil, loam, sand, gravel, quarry stone or other earth material from any parcel of land by any person, firm or corporation shall be allowed only under permit from the Board of Zoning Appeals and subject to restrictive covenants of the Board. However, the Inspector of Buildings, without reference to the Board of Zoning Appeals, may issue permits for the removal from the site of earth and may require a suitable bond, if deemed necessary, for the following purposes: wherein the amount of material to be removed is necessarily incidental to or in connection with the construction, alteration, excavation or grading for a building or road or other facility being built in accordance with a permit issued or in accordance with an approved plan, provided that there is reasonable assurance that the construction will be completed.

~ 120-82. Application requirements.

Each application for a permit for earth-material removal shall be accompanied by a plan, submitted in triplicate to the Inspector of Buildings and a copy to the Planning Board at least 14 days prior to the date of the public hearing, prepared at the expense of the applicant by a registered land surveyor or registered professional engineer, showing:

- A. Specifically the boundaries and dimensions of the premises.
- B. The location and dimensions of the area from which the proposed removal of materials is to take place.
- C. Topography by five-foot contours at the area to be excavated and up to at least 100 feet beyond the perimeter of the area included and along all property lines.
- D. Names and boundaries of all abutters.
- E. At least three permanent bench marks with elevations marked thereon, on Town of Weymouth datum.
- F. Five-foot contours as proposed after completion of the operation.
- G. Topographical detail showing the physical character of the premises, including natural drainage and direction of water flow.
- H. Other information necessary to indicate the complete physical characteristics of the proposed operation which may be indicated by the rules of the Board of Zoning Appeals.

~ 120-83. Conditions of permit.

In granting a permit, the Board of Zoning Appeals shall impose reasonable conditions specifically designed to safeguard the neighborhood and the town, which may include but not be limited to conditions as to:

- A. Method of removal.
- B. Type and location of temporary structures, fences and barriers.
- C. Hours of operation.
- D. Routes for transporting the material through the town.
- E. Area and depth of excavation.
- F. Distance of excavation to street and property lines.
- G. Steepness of slopes excavated.

- H. Reestablishment of ground levels and grades.
- I. Provision of temporary and permanent drainage.
- J. Disposition of boulders and tree stumps.
- K. Provisions for dust control, which may include paving.
- L. Replacement of loam over the area of removal.
- M. Planting of the area to suitable cover, including shrubs and trees.
- N. Cleaning, repair and/or resurfacing of streets used in removal activities which have been adversely affected by the removal activity.

~ 120-84. Performance bond.

The Board shall require a bond or other security to insure compliance with its conditions of authorization, unless, in a particular case, it specifically finds that such security is not warranted and so states in its decision, giving the reasons for its findings.

~ 120-85. Expiration of permit; renewals.

Any permit issued shall automatically expire upon the completion of the earth-removal project for which it was issued or at such other time as may be specified in said permit. A permit may be granted by the Board of Zoning Appeals with the provision that it may be renewed for one year, without a hearing, if the Inspector of Buildings finds that all conditions then applicable have been complied with and that the work has been carried on continuously and in good faith.

~ 120-86. Existing operations.

Earth-removal activities in lawful operation on any parcel of land at the time this article is adopted may continue, unless and until abandoned for more than 12 consecutive months, with the following conditions:

- A. Removal operations shall not be extended beyond the property lines of the particular parcel upon which such operations are in progress at the time of the adoption of this article.
- B. That at no time of year shall the premises be maintained at levels such that ground- or surface water will accumulate. Such areas shall be either filled or drained.

- C. The depth of excavation shall not be extended below the grade of the lowest point excavated on the effective date of this article.
- D. The total area of excavation shall not be increased by more than 50% over its area on said date.
- E. Removal operations shall be limited to the hours of 7:00 a.m. to 5:00 p.m.

~ 120-87. Review of progress of work; notice of violations; penalties.

A. The Inspector of Buildings shall review the progress of the work from time to time to assure proper conduct.

B. The Inspector of Buildings, if he concludes that there has been a violation of this article, shall send to the offender and to the owner of record of the premises, or deliver, such notice of violation and, if applicable, a notice ordering the cessation of the improper activities. If the offender holds a permit issued under this article, such permit may be revoked.

C. If the permit holder or other offender persists in such violation, the Inspector of Buildings shall seek the imposition of the penalties authorized by Paragraph 18 of Section 21 of Chapter 40 of the General Laws through appropriate legal action, and the penalty for removing earth in violation of this article shall be a fine of not more than \$50 for the first offense after such warning and not more than \$50 for any subsequent offense. Each day that willful violation continues shall constitute a separate offense.

## ARTICLE XX

### Earth Filling

[Added April 1974 ATM by Art. 32, approved 5-24-1974]

~ 120-88. Intent.

The intent of this article is to prevent cumulative damage to landscape and topography and to preserve statistical data which may be useful to the various town agencies in the performance of their official duties and also to establish procedural steps and guidelines for the filling of land.

~ 120-89. Permit required.

No lot or parcel of land shall be filled with any fill material unless a permit is issued by the office of the Inspector of Buildings except that no permit shall be required:

A. For filling lots or parcels of land, provided that the total volume of fill does not exceed 50 cubic yards, or for minor filling done in connection with or incidental to the construction of walks, driveways, walls and landscaping.

B. Where the filling is necessary or incidental to or in connection with the construction of roads, structures or other improvements or facilities being built in accordance with a lawful permit or in accordance with an approved definitive subdivision plan, provided that there is reasonable assurance that the fill portion will be satisfactorily completed.

~ 120-90. Application requirements.

Each application for a permit required under this article shall be made to the office of the Inspector of Buildings on forms supplied by said office and shall be accompanied by a plan and five copies thereof prepared at the expense of the applicant by a registered land surveyor or a registered professional. One copy of said plan shall be sent to the Board of Public Works, the Conservation Commission, the Board of Health and the Planning Board, for their permanent records, and each of said Boards may, within 20 days of said filing, forward to the office of the Inspector of Buildings, for his consideration, their observations, comments and recommendations. Said plan shall show:

- A. Specifically the boundaries and dimensions of the lot or parcel to be filled.
- B. The location and dimensions of the area to be filled.
- C. Topography by two-foot contours of the area to be filled to a distance not less than 100 feet beyond the perimeter of the area to be filled and along all property lines.
- D. Name and boundaries of all abutters.
- E. At least three permanent bench marks with elevations marked thereon, on Town of Weymouth datum.
- F. Two-foot contours as proposed at completion of fill.
- G. Topographical detail showing the physical character of the area to be filled and at least 100 feet beyond the perimeter thereof, including natural drainage and direction of water flow and all significant and outstanding features such as rock formations, ledge, peat, marsh, etc.

~ 120-91. Conditions of permit.

Permits will be granted subject to the following conditions which will be imposed to safeguard the neighborhood and the town during the fill operation:

- A. Method of fill.
- B. Filling shall be limited to the hours between 7:00 a.m. and 6:00 p.m.

C. Provisions for dust control, which may include paving when conditions reasonably indicate.

D. Planting of the area with ground cover suitable or indigenous to the area, including shrubs and trees.

E. Fill material shall be some form of earth or earth products. All other material shall be placed in accordance with proper sanitary landfill procedures; provided, however, that no garbage, refuse, industrial waste, toxic materials, flammable liquids or gases, highly explosive materials and junk shall be used.

F. If the topographical features and/or geological conditions reasonably indicate, borings and test pits may be required.

G. Cleaning, repair and/or resurfacing of streets which have been adversely affected by filling activity.

~ 120-92. Manner of filling; slope stabilization.

Filling shall be done in such a way that the resulting contours follow smooth natural curves that conform as nearly as possible to the curves of the surrounding landscape. Upon completion, all slopes shall be appropriately stabilized to prevent erosion and excessive water runoff on abutting lots or abrupt changes in topography near lot lines and to prevent excessive water accumulation.

~ 120-93. Expiration of permit.

Completion of all work under a permit shall be completed within six months of the issuance thereof; provided, however, that for good cause the time may be extended but not for more than three successive six-month periods.

~ 120-94. Applicability of other laws and regulations.

Nothing in this article shall be construed as permitting the nonconformance with or in violation of any rule or regulation or code of any other town board or department. All permits issued under this article are issued conditionally for those portions of the premises to be filled which by law come within the provisions of said Wetlands Act, so-called. For those lots or parcels which filling may come within the provisions of said Wetlands Act, permits under this article shall be issued conditioned on compliance therewith. It is recommended that the Board of Zoning Appeals, Planning Board and Conservation Commission in granting of relief or permits provide as a condition thereto compliance with the applicable provisions of this article.

~ 120-95. Penalties.

Failure to complete the work within the time and in the manner required by the terms and conditions of a permit and within the time permitted shall be deemed a violation of this bylaw and be subject to all the provisions of ~ 120-111 and 120-112 of this bylaw.

~ 120-96. Notice of issuance of permit.

No work shall commence on a permit under this article until a notice of the issuance of the same has been recorded at the Norfolk Registry of Deeds or Registry District of the Land Court and evidence of said recording is filed with the Inspector of Buildings. Said notice shall be on a form supplied by the Inspector of Buildings and executed and acknowledged by the owners of record of the land included in said permit. The notice shall contain the names of the record owners, description of said land, appropriate references to title and such other information which may be necessary for recording.

~ 120-97. Fee.

The fee for a permit under this article shall be \$25.

## ARTICLE XXI Supplementary Regulations

~ 120-98. Exterior lighting.

Exterior lighting shall be shielded or reflected so that the light source is not visible from any residential district. Exterior lighting, the source of which would be visible from any public street, shall have its source reflected or retracted so as to direct and distribute the light to minimize glare.

~ 120-99. Vehicles - improper storage. [Added May 1999 ATM by Art. 20, approved 8-19-1999]

No person in charge or control of any property in the town, whether an owner, occupant, lessee or otherwise, shall allow any partially dismantled, wrecked, junked, non-operative or discarded vehicle to remain on such property longer than thirty (30) days after written notice to the owner has been given by the Town of Weymouth, except:

- A. A vehicle which is in an enclosed building or in an area unexposed to the view of the public or any abutter.
- B. Any vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprises.

- C. A vehicle in an appropriate storage place or depository maintained by the town or with the consent of the town.
- D. A vehicle upon property covered by a Class III License, duly in effect under the Code of the Town of Weymouth, Chapter 115, Used Car Dealers.

~ 120-100. Obstructions to air navigation prohibited.

No structure shall be erected or altered nor any tree permitted to grow which would create a hazard to air navigation. In determining whether such a hazard exists, the Inspector of Buildings or the Board of Zoning Appeals, as the case may be, shall have reference to, but not exclusively, criteria used by the South Weymouth Naval Air Station and/or Massachusetts Aeronautic Commission; nor shall any use be permitted which creates electrical interference with radio aids or communications between the air station and aircraft, making it difficult for pilots to distinguish between air station light and others. Permits for high structures may require the applicant, at its own expense, to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of any airport hazard.

~ 120-101. Service stations, repair garages and car washes. [Amended May 1989 ATM by Art. 47, approved 7-28-1989]

Any service station, repair garage or car wash in any district to be approved by the Board of Selectmen shall conform at least to the following regulations. When the intensity regulations for any district in which a service station is located are more restrictive than the regulations contained hereinafter, all service stations or repair garages shall conform to the more restrictive dimensional requirements.

A. Frontage and area. Every service station or car wash shall have a minimum frontage of 150 feet and a minimum area of 20,000 square feet.

B. Setbacks. Every structure erected for use as a service station or car wash shall have a minimum setback from the street line of 40 feet and a minimum setback from all property lines of 10 feet. Pump islands shall be permitted in front yards and set back a minimum of 15 feet from all property lines.

C. All vehicle service areas shall be constructed to conform to the following standards:

(1) Suitable separation shall be made between the pedestrian sidewalk and the vehicular parking or moving area with the use of appropriate bumper or wheel guards or traffic islands.

(2) The entire area used for vehicle service shall be paved except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.

(3) Hydraulic hoist, lubrication, greasing, washing, and repair equipment shall be entirely enclosed within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, may be carried on within the premises. No open pits will be permitted.

(4) The minimum widths of all driveways at the sidewalk shall be 30 feet.

(5) The distance of any driveway from any residential property line shall be at least 20 feet and in no case less than 10 feet.

(6) A wall or evergreen screening or tight fence five feet high shall be erected along all property lines abutting a residential use.

~ 120-102. Concealing of storage areas.

All parking and outdoor storage areas of facilities for fuel, materials and products shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than five feet high to conceal such areas or facilities.

~ 120-103. Swimming pools.

A private swimming pool is hereby declared to be an accessory use in a residential district and shall conform to the appropriate side, front and rear yard requirements of the particular residential district in which it is located; provided, however, that any filter and pump shall be located not less than 15 feet from the side yard line. Pools shall be surrounded by a permanent enclosure not less than four feet in height.

~ 120-104. Temporary uses.

A temporary building or yard for construction materials and/or equipment and a temporary office, if in connection with and incidental and necessary to a real estate development, shall be permitted in any district, provided that any building permit issued for any such use shall be valid for not more than six months and may not be extended more than three consecutive times.

~ 120-105. Trailers.

No person shall occupy a trailer for living or business purposes except as a permitted temporary use under ~ 120-104 incidental to construction on or development of the premises on which the trailer is located.

~ 120-106. Self-service gasoline stations prohibited. [Added January 1977 STM by Art. 1, approved 4-26-1977]

No self-service gas stations shall be permitted in the Town of Weymouth.

~ 120-106.1. Wind energy conversion systems. [Added June 1982 STM by Art. 5, approved 11-9-1982]

A. Intent. The purpose is to protect the health and safety of occupants, individuals on abutting property and the general public; and to reduce adverse environmental effects by regulating the siting of wind energy conversion systems.

B. Definition. As used in this section, the following terms shall have the meanings indicated:

WIND ENERGY CONVERSION SYSTEMS -- A machine which removes energy from the wind and converts it to mechanical or electrical energy.

C. Special permit required. Wind energy conversion systems may be allowed as an accessory use in all zoning districts as a special permit granted by the Board of Zoning Appeals, subject to the conditions and requirements of this section (~ 120-106.1) and to the conditions and requirements of Article XXV.

D. Plan criteria. The special permit granting authority may require such information, data and testing to be performed at the applicant's expense in order to achieve a finding of compliance with the intent and standards. At a minimum, the following information shall be submitted with each special permit and site plan review application for a wind conversion system.

(1) A plan of land showing:

(a) Property lines.

(b) Proposed location of tower on site.

(c) Location of all existing structures and above ground utility lines within a radius equal to the height of the tower.

(d) Location of major features of the land including: trees, outcroppings, walls and all topographical changes over 20 feet in height within a radius of 300 feet of the proposed tower site.

(2) An environmental assessment relative to the machine design, function and maintenance in relation to the terrain characteristics, wind turbulence, wind shear, lightning, salt spray and other hazards which the special permit granting authority deems necessary for a proper and safe operating wind energy conversion system.

E. Standards for wind energy conversion systems. The following criteria shall apply to all wind energy conversion systems:

(1) Access to the tower shall be limited by a permanent enclosure not less than six feet in height with a locking portal or by removing climbing apparatus on the tower to a height of 12 feet.

(2) Specifications shall be submitted with all applications documenting that the system will not produce interference with television reception within 300 feet.

(3) Specifications shall be submitted with all applications documenting that the noise levels produced by wind energy conversion systems will not exceed ambient noise levels by more than five dB(A) when measured at a point along the property line closest to the tower.

(4) Energy produced shall be primarily for use of the occupants of the property.

(5) Town height, where applicable, shall conform to federal aviation regulations.

(6) Specifications shall be submitted which document that wind energy conversion systems do not produce any low frequency sounds or vibrations affecting people. Maintenance requirements necessary to prevent such sounds shall also be detailed.

(7) Redundant overspeed controls shall be required.

F. Special permit conditions. In granting a special permit for a wind energy conversion system, the special permit granting authority shall have the power to impose additional standards, such as height and setback requirements, as it deems necessary to ensure compliance with the intent of this bylaw.

~ 120-106.2. Wireless communication equipment. [Added November 1997 STM by Art. 36, approved 2-26-1998]

A. Purpose. The purpose of this bylaw includes minimizing adverse impacts of wireless communication facilities, satellite dishes and antennas on adjacent properties and residential neighborhoods; minimizing the overall number and height of such facilities; and promoting shared use of existing facilities to reduce the need for new facilities.

B. Wireless communication equipment, as defined in ~ 120-6, shall be permitted in the following districts as noted below, unless specifically prohibited:

(1) Wireless communication, freestanding structure as a special permit from the Board of Zoning Appeals in Districts I-1, I-2, PIP, POP and POS.

(2) Wireless communication, building-mounted equipment, as an accessory use by site plan review, in Districts R-3, R-4, B-1, B-2, HT, MS, I-1, I-2, PIP, POP and POS.

(3) Wireless communication, indoor equipment as an accessory use permitted in Districts R-3, R-4, B-1, B-2, HT, MS, I-1, I-2, PIP, POP and POS.

(4) Wireless communication, accessory equipment, as an accessory use by site plan review, in Districts R-3, R-4, B-1, B-2, HT, MS, I-1, I-2, PIP, POP and POS.

C. The following information shall be supplemental to normal application criteria and submitted with each special permit and site plan review application for wireless communication equipment:

(1) A locus plan at a scale of one inch equals 200 feet which shall show all property lines, the exact location of the proposed structures, streets, landscape features, residential dwellings and all buildings within 300 feet of the facility.

(2) A color photograph or rendition of the proposed monopole with its antenna and/or panels. For satellite dishes or residential antenna, a color photograph or rendition illustrating the dish at the proposed location is required. A rendition shall also be prepared illustrating a view of the monopole dish or antenna from the nearest street or streets.

(3) The following information prepared by one or more professional engineers:

(a) A description of the monopole and the technical, economic and other reasons for the proposed location, height and design.

(b) Confirmation that the monopole complies with all applicable federal and state standards.

(c) A description of the capacity of the monopole, including the number and type of panels, antenna and/or transmitter receivers that it can accommodate and the basis for these calculations.

(4) A signed affidavit by the applicant that the proposed facility complies with, or is exempt from, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

(5) A signed affidavit by the applicant listing all wireless communication equipment within a one-half-mile radius and the availability of space at each location.

D. The following general requirements shall apply to all wireless communication equipment:

(1) No wireless communication facility, which shall include monopoles, satellite dishes over three feet in diameter or antenna, shall be erected or installed except in compliance with the provisions of ~ 120-106.2B.

(2) Any proposed extension in the height or the replacement of a facility shall be subject to a new application for a site plan review or special permit, as applicable in ~ 120-106.2B.

(3) The Inspector of Buildings shall review petitions for the addition of cells, antenna or panels to any lawfully permitted existing wireless communication monopole or tower and shall allow such without a new hearing, provided that such additions comply with the intent and criteria of ~ 120-106.2 and the conditions of approval of the special permit.

(4) Only freestanding monopoles, with associated antenna and/or panels, are allowed. Lattice-style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.

(5) Wireless communication monopoles and associated facilities shall be suitably screened from abutters and residential neighborhoods.

(6) Structures shall be removed within one year of cessation of use. If applicable, annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute and required maintenance shall be filed with the Inspector of Buildings by the special permit holder.

E. The following design criteria shall be used when preparing plans for the siting and construction of all wireless communication facilities.

(1) All monopoles shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use. All monopoles shall be set back from R-1, R-2 and NCD Zoning District boundaries by a distance at least equal to two times the height of the monopole. No monopole shall be placed closer than 500 feet from another freestanding wireless communication structure.

(2) No monopole or attached accessory antenna on a monopole shall exceed 120 feet in height as measured from natural ground level at the base of the pole. No monopole shall be constructed which requires guy wires. Monopoles shall not be located on buildings. Any monopole in excess of that permitted in Table 1, Schedule of District Regulations, at the end of this chapter will require a variance from the Board of Zoning Appeals.

(3) Antenna, dishes and all other equipment located on any structure shall not exceed 10 feet above the height of the building, as defined in ~ 120-6.

(4) All wireless communication facilities shall be sited in such a manner that the view of the facility from adjacent abutters, residential neighbors and other areas of the town shall be as limited as possible. All monopoles and dishes shall be painted or otherwise colored so they will

blend in with the landscape or the structure on which they are located. A different coloring scheme shall be used to blend the structure with the landscape below and above the tree or building line.

(5) Satellite dishes and/or antenna shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets. Freestanding dishes or antenna shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.

(6) Wireless communication facilities shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities that will be required to be located within the town.

(7) Fencing shall be provided to control access to freestanding wireless communication facilities and shall be compatible with the scenic character of the town and shall not be of razor wire.

(8) All freestanding wireless communication structures shall have no signs except for directional signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four-hour basis. All signs shall conform with Article XVI, Signs, of the Zoning.

(9) Night lighting of towers shall be prohibited.

(10) There shall be a minimum of one parking space for each facility.

F. The following types of wireless communication towers and equipment are exempt from the provisions of this article:

(1) Amateur radio tower. An "amateur radio tower" is defined as a tower used solely in accordance with the terms of amateur radio service license(s) issued by the Federal Communications Commission (FCC) to members of the family residing on the premises and not used or licensed for any commercial purpose.

(2) Installation of any antenna, panels or similar equipment on a lawfully permitted freestanding wireless communication tower, provided that all such additional equipment conforms to the conditions of the existing permit.

(3) A tower erected to serve communication between farm vehicles and/or farm units incidental to use of land for farming. Except for amateur radio use as permitted in ~ 120-106.2F(1), the use of such a tower under this exception may not be combined with any other use.

(4) A tower or antenna erected by the Town of Weymouth for municipal public safety communication purpose.

ARTICLE XXII  
Administration and Enforcement

~ 120-107. Interpretation.

In interpreting and applying the provisions of this bylaw, they shall be held to be the minimum requirements adopted for the promotion of health, safety, morals, comfort, convenience and the general welfare of the inhabitants of the Town of Weymouth.

~ 120-108. Enforcing official.

The provisions of this bylaw shall be enforced by the Inspector of Buildings. No application, permit, plan, specifications or intended use which is not in accordance with the provisions of this bylaw shall be approved by the Inspector of Buildings.

~ 120-109. Permit required; plan; records.

No building or structure shall be erected, reconstructed, altered, enlarged or moved and no use of any land or premises shall be begun or changed without a permit having been issued by the Inspector of Buildings. Whenever a permit or license is issued by any other department of the town, such permit or license shall be in conformance with the provisions of this bylaw. Any application for a permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot or premises to be built upon; the exact location and size of all buildings or structures to be erected, constructed, reconstructed, altered or enlarged, together with the lines within which all buildings or structures are to be erected, constructed, reconstructed, altered or enlarged; the existing or intended use of each building or structure; the location of all zoning district boundary lines as they may affect the lot or premises; the location and size of off-street parking and loading facilities and driveways, where required; and such other information as may be necessary to provide for the execution and enforcement of this bylaw. A record of all applications, plans and permits shall be kept on file in the office of the Inspector of Buildings of the Town of Weymouth, and said record shall be available for public inspection during regular office hours.

~ 120-110. Occupancy permit.

No occupancy, use or change of use shall take place without the issuance of an occupancy permit signed by the Inspector of Buildings. Said permit shall not be issued until the building, structure, premises or land or its uses, and the uses incidental thereto, have been inspected and approved as sufficiently completed to comply with the provisions and regulations of this bylaw by said Inspector of Buildings, and the same shall be available for public inspection during regular office hours.

~ 120-111. Investigation of violations; service of notice. [Amended June 1978 STM by Art. 3, approved 11-2-1978; May 1990 ATM by Art. 46, approved 9-13-1990]

A. If the Inspector of Buildings shall be informed or have reason to believe that any provision of this bylaw has been, is being or may be violated, he may make or cause to be made an investigation of the facts and inspect the property where the violation may exist.

B. If he shall find any such violation, he shall give notice thereof in writing to the owner or to his duly authorized agent by means of a written compliance order or a warning citation.

C. If, after such notice, the premises are continued to be used in a manner contrary to the provisions of this bylaw, or if any such owner shall fail to obey any lawful order of the Inspector of Buildings in respect to any violation or use contrary to the provisions of this bylaw, the Inspector of Buildings shall proceed with enforcement by either of the two methods provided in ~ 120-112 below.

D. If said Inspector of Buildings is requested in writing to enforce such bylaws against any person allegedly in violation of the same and such Inspector of Buildings declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefor within 14 days of receipt of such request.

~ 120-112. Enforcement; penalties. [Amended June 1978 STM by Art. 2, approved 11-2-1978; May 1990 ATM by Art. 46, approved 9-13-1990]

A. Criminal complaint. Whoever violates any provision of these bylaws may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense brought in such manner shall be \$300 for each offense. Each day that willful violation continues shall constitute a separate offense.

B. Noncriminal disposition.

(1) In addition to the procedures for enforcement as described above, the provisions of this Zoning Bylaw may also be enforced by the Inspector of Buildings by noncriminal complaint pursuant to the provisions of MGL C. 40, ~ 21D. Each day on which a violation exists shall be deemed to be a separate offense.

(2) The penalty for violation of any provision of this bylaw shall be a warning citation for the first offense; \$50 for the second offense; \$100 for the third offense; and \$200 for the fourth and each subsequent offense.

~ 120-113. Effect on other regulations.

This bylaw shall not interfere with or annul any bylaw, rule, regulation or permit, provided that, unless specifically excepted, where this bylaw is more stringent, it shall control.

~ 120-114. Severability.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

ARTICLE XXIII  
Permit Granting Authority  
[Added June 1978 STM by Art. 3, approved 11-2-1978]

~ 120-115. Designation of permit granting authority.

The "permit granting authority" shall mean the Board of Zoning Appeals.

~ 120-116. Designation of special permit granting authority.

Unless otherwise specifically designated under this bylaw, the special permit granting authority shall be the Board of Zoning Appeals.

~ 120-117. Expiration of special permit.

Unless a lesser time is provided in this bylaw or specified in the decision of the special permit granting authority, a special permit shall lapse not later than 24 months, inclusive of such time required to pursue or await determination of an appeal under Section 10 of Chapter 40A of the General Laws, from the grant of such permit if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

ARTICLE XXIV  
Board of Zoning Appeals  
[Amended November 1976 STM by Art. 8, approved 3-16-1977;  
June 1978 STM by Art. 4, approved 10-26-1978]

~ 120-118. Establishment; membership.

A. In accordance with the provisions of Chapter 40A of the General Laws a Board of Zoning Appeals shall be appointed by the Mayor subject to review by the Town Council as per section 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 will initially be made on March 20, 2000 and expire on March 19<sup>th</sup> of every 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) Associate A & B: initial terms 1 year. Associates C & D initial terms 2 years.

C. The Board of Zoning Appeals in accordance with the provisions of Chapter 40A s. 12 will elect a Chairman and a Clerk at the first meeting to take place after March 20<sup>th</sup> of every year.

~ 120-119. Powers.

A. The Board of Zoning Appeals shall have the following powers:

(1) To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Inspector of Buildings, by the Metropolitan Area Planning Council or by 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 bylaw.

(2) To hear and decide applications for special permits under which the Board is empowered to act under this bylaw, as subject to the provisions of Article XXV of this bylaw.

(3) To hear and decide, upon appeal or petition, requests for variances after public hearing for which notice has been given by publication and posting as provided in Chapter 40A, Section 11, of the General Laws and by mailing to all parties in interest. Variances from the term of this bylaw 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 bylaw 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 bylaw. 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 there were in effect for such variance upon said effective date.

B. 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.

C. 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 reestablished only after notice and a new hearing pursuant to this article.

~ 120-120. Procedure.

A. The Board of Zoning Appeals shall act on all matters within its jurisdiction under this bylaw in the manner described in Chapter 40A of the General Laws and subject always to the rule that it shall give due consideration to promoting the public health, safety, convenience and welfare and to conserving property values, that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood and that it shall prescribe appropriate conditions and safeguards in each case.

B. Any application for a hearing before the Board of Zoning Appeals under this bylaw shall be accompanied by a filing fee in accordance with the fee schedule established under the rules and regulations of the Board of Zoning Appeals and as approved by the Board of Selectmen. [Amended May 1979 ATM by Art. 55, approved 8-21-1979]

C. In the case of every appeal made to said Board and every application for a special permit or variance made to it under the provisions of this bylaw, the Board of Zoning Appeals shall fix a reasonable time for and shall hold a public hearing thereof in accordance with the provisions of Chapter 40A of the General Laws. A decision of the Board must be made within 75 days after filing the appeal, application or petition, except with respect to special permits, in which case the time period is 90 days from the date of the public hearing. Failure of the Board to act within the time periods results in the constructive granting of the petition.

~ 120-121. Repetitive petitions. [Amended May 1989 ATM by Art. 52, approved 7-28-1989]

If an appeal for a special permit for exception or variance is unfavorably decided by the Board, no appeal shall be considered for the same interpretation within two years after the date of such unfavorable decision, except with the consent of six members of the Planning Board.

## ARTICLE XXIVA

Site Plan Review Authority  
[Added May 1993 ATM by Art. 53, approved 7-9-1993]

~ 120-121.1. Establishment; membership.

In accordance with the provisions of Chapter 40A of the General Laws, the Director of Planning and Community Development or the Director's nominee in the Department of Planning and Community Development shall be the site plan review authority for the purpose of conducting site plan reviews.

~ 120-121.2. Powers.

A. The site plan review authority shall have the power to review and decide applications for site plan review under which the Board is empowered to act under this bylaw, as subject to the provisions of Article XXVA of this bylaw.

B. Decisions on site plans can only be made by a majority vote of the Planning Board, sitting as the site plan review authority.

C. If a building permit is not applied for within two years of the date of a site plan review decision, the site plan review decision shall lapse and may be reestablished only by application pursuant to this article.

~ 120-121.3. Procedure.

The site plan review authority shall act on all matters within its jurisdiction under this bylaw in the manner described in Chapter 40A of the General Laws and subject to Article XXVA of these bylaws that it shall prescribe appropriate conditions and safeguards in each case.

ARTICLE XXV

Special Permits

[Amended June 1978 STM by Art. 2, approved 11-2-1978;  
1979 ATM by Art. 55, approved 8-21-1979; May 1990  
ATM by Art. 51, approved 9-13-1990; May 1993 ATM  
by Art. 56, approved 7-9-1993]

~ 120-122. Special permits.

A. Rules of special permit granting authority; certificate of compliance. The special permit granting authority shall be the Board of Zoning Appeals, the Planning Board or the Board of Selectmen, as specifically provided for in this bylaw. The Board of Zoning Appeals, the Planning Board and the Board of Selectmen shall adopt and from time to time amend rules relative to the issuance of such permits and shall file a copy of said rules with the Town Clerk. The Inspector of Buildings shall not issue a certificate of occupancy until and unless the appropriate special permit

granting authority issues a certificate of compliance with the provisions herein provided. All construction, including landscaping, site preparation and other authorized uses of the land, shall be in compliance with an approved special permit and conditions attached thereto unless duly amended by permission from the special permit granting authority.

B. Application procedure.

(1) Anyone wishing to apply for a special permit shall file an application with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the special permit granting authority. Specific application forms shall be provided for in the rules of each special permit granting authority.

(2) Within 65 days of the receipt of the properly executed application, the appropriate special permit granting authority shall hold a public hearing, for which notice has been given by publication or posting as provided in MGL C. 40A, ~ 11, and by mailing said notice to all parties of interest.

(3) Within 90 days following a public hearing or hearings, the special permit granting authority shall take final action on the application. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. Failure to take final action shall be deemed to be a grant of the special permit applied for.

(4) Special permits can only be granted by a two-thirds vote of the Planning Board, a vote of at least four members of the Board of Selectmen or a vote of at least four members of the Board of Zoning Appeals.

(5) Any application for a special permit before the special permit granting authority, other than the Board of Zoning Appeals, shall be accompanied by a filing fee in accordance with the fee schedule established under the rules and regulations of the special permit granting authority and as approved by the Board of Selectmen, if such action is required.

C. Special permit conditions. In approving a special permit, the special permit granting authority shall be authorized to attach such conditions and safeguards as are deemed necessary and appropriate to protect the neighborhood and the Town of Weymouth. These may include but not necessarily be limited to the following:

(1) Requirement of front, side or rear yards greater than the minimum required by this bylaw.

(2) 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.

(3) Limitation of size, number of occupants, method or time of operation or extent of facilities.

(4) Regulation of number, design and location of access drives or other traffic features.

(5) Requirements of off-street parking or other special features beyond the minimum required by this or other applicable bylaws, codes or regulations.

D. Criteria for approval by special permit granting authorities. The special permit granting authority may approve any such application for a special permit only if it finds that, in its judgment, all of the following conditions are met:

(1) The specific site is an appropriate location for such a use.

(2) The use involved will not be detrimental to the established or future character of the neighborhood or town.

(3) There will be no nuisance or serious hazard to vehicles or pedestrians.

(4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

(5) The public convenience and welfare will be substantially served.

#### ARTICLE XXVA

##### Site Plan Review

[Added May 1993 ATM by Art. 54, approved 7-9-1993]

~ 120-123. Site plan review.

A. Rules of site plan review authority. The site plan review authority shall adopt and from time to time amend rules relative to the review of such plans and shall file a copy of said rules with the Town Clerk. The Inspector of Buildings shall not issue a building permit until and unless the site plan review authority issues a decision of review with the provisions herein provided. The decision of review shall consist of all findings and conditions of the site plan review authority pertaining to a site plan.

B. Application procedure.

(1) Anyone wishing to apply for a site plan review shall file an application directly with the site plan review authority as provided in this bylaw. Specific application forms shall be provided for in the rules of the site plan review authority.

(2) Within 30 days of the receipt of the properly executed application, the site plan review authority shall conduct a site plan review, for which notice shall be given to the property owner and by posting with the Town Clerk not less than seven days prior to the meeting.

(3) Within 35 days following a site plan review, the site plan review authority shall take final action on the application and file said action with the Town Clerk. Failure to take final action within the time prescribed shall be deemed to be a grant of the site plan as per application.

(4) Any application for a site plan review before the site plan review authority shall be accompanied by a filing fee in accordance with the fee schedule established under the rules and regulations of the site plan review authority.

C. Site plan review criteria. The site plan review authority shall limit the site plan review to the plan's ability to provide for the following criteria:

(1) Protection of adjoining premises and the general neighborhood from any substantially adverse impacts created by development of the lot or tract.

(2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.

(3) Adequacy of the methods of providing for municipal facilities and essential services for the use of the lot or tract.

(4) Provisions for off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the lot or tract.

D. Site plan review conditions. In conducting a site plan review, the site plan review authority may only attach such conditions and safeguards as are necessary within the criteria as set forth in this article, as follows:

(1) Regulation of the number, design and location of vehicular and pedestrian drives and walkways or other traffic features on the site.

(2) Location, number and layout of parking spaces, loading bays and the associated drives and aisles.

(3) Location, design, number and intensity of all exterior lighting.

(4) Location of signage, provided that any conditions fall within the permitted areas of Article XVI.

(5) Amount and location of landscaping to screen parking areas, loading bays or other parts of the premises from the streets or abutting properties by walls, fences, plantings or other devices.

(6) Location and design of municipal facilities and other essential services provided for the use on the lot or tract.

E. Site plan review applicability. A site plan review shall be conducted for certain permitted uses within the various zoning districts as follows:

(1) Resident District R-2, the following uses and uses customarily accessory thereto:

(a) Three-family dwelling unit.

(b) Alteration of a dwelling existing prior to May 1990 for up to four dwelling units.

(2) Resident District R-3, the following uses and uses customarily accessory thereto:

(a) Any building or group of buildings for occupancy with five up to a maximum of 19 dwelling units.

(b) Nursing home and convalescent home.

(3) Resident District R-4, the following uses and uses customarily accessory thereto:

(a) Any building or group of buildings for occupancy with five up to a maximum of 19 dwelling units.

(b) Nursing home and convalescent home.

(c) Private club or lodge.

(4) Neighborhood Center District NCD, the following uses and uses customarily accessory thereto:

(a) All permitted nonresidential uses with a floor area in excess of 3,000 square feet.

(5) Highway Transition District HT, the following uses and uses customarily accessory thereto:

(a) Two dwelling unit structures.

(6) Medical Service District MSD, the following uses and uses customarily accessory thereto:

- (a) All permitted nonresidential uses.
- (b) Alterations to all nonresidential uses where any one or more of the following occurs:
  - [1] New construction or addition to a structure lawfully existing prior to May 1990 exceeding 5,000 square feet or more gross floor area.
  - [2] Parking is increased by the extension of impervious cover by 10,000 square feet or more.
  - [3] Access for a public way to a site is widened or a new access is created.
  - [4] New primary pedestrian access to an existing structure.
- (7) Business District B-1 and Business District B-2, the following uses and uses customarily accessory thereto:
  - (a) Any nonresidential use containing 10,000 square feet or more but less than 20,000 square feet of gross floor area or containing 10,000 square feet or more but less than 40,000 square feet of land area.
- (8) Planned Industrial Park District PIP, Planned Office Park District POP and Industrial Districts I-1 and I-2, the following uses and uses customarily accessory thereto:
  - (a) Any nonresidential use containing 10,000 square feet or more but less than 20,000 square feet of gross floor area or containing 10,000 square feet or more but less than 40,000 square feet of land area.

~~ 120-124 through 120-126. (Reserved)

#### ARTICLE XXVI

~ 120-127. Reserved For Future Use.

#### ARTICLE XXVII

~ 120-128. Reserved For Future Use.

~ 120-129. Reserved For Future Use.

**TABLE OF  
ZONING MAP AMENDMENTS**

<b>Adoption Date</b>	<b>Article Number</b>	<b>Attorney General Approval Date</b>	<b>Change</b>
1971 ATM	46	8-24-1971	I-1 to R-1
1971 STM	2	2-4-1972	I-1 to R-1
1975 STM	15	1-26-1976	I-2 to B-2
1975 STM	16	1-26-1976	B-2 to R-1
1978 STM	7	4-19-1978	POS to B-2
1979 STM	2	4-19-1979	I-1 to PIP
1979 ATM	56	8-21-1979	R-1 to B-2
1979 ATM	57	8-21-1979	R-3 to 1-2
1979 ATM	65	8-21-1979	I-1 to R-1
1980 ATM	47	8-27-1980	R-1 to B-2
1980 ATM	48	8-27-1980	R-4 to B-1
1980 STM	2	3-25-1981	Public-Semi-public + Open Space to R4
1980 STM	4	3-25-1981	Public-Semi-public + Open Space to R3
1982 STM	1	9-13-1982	R-3 to Public-Semipublic + Open Space
1982 STM	2	9-13-1982	R-4 to Public-Semipublic + Open Space
1982 STM	5	9-13-1982	Public-Semi-

			public + Open Space to R-1
1982 STM	38	9-15-1982	Open Space to R-1
1983 ATM	50	8-26-1983	B-2 to NCD or R-1
1984 STM	5	4-2-1985	Public-Semi-public + Open Space to PIP
1985 STM	24	1-24-1986	PIP to POP
1986 ATM	50	5-5-1986	R-1 to R-3
1987 STM	5	5-21-1987	A. 1. I-1 to POS 2. I-1 to R-1  B. 1. I-1 to POP 2. I-1 to R-1  C. 1. I-1 to POS 2. I-1 to R-1  D. 1. I-1 to R-1
1988 STM	4	9-2-1988	B-1 to R-1
1990 STM	4	8-29-1990	A. To HT: 1. B-2 2. B-1 3. R-1 4. R-3 5. I-1  B. To R-2: 1. B-2 2. B-1 3. R-1 4. I-1

			<ul style="list-style-type: none"> <li>C. To MSD:               <ul style="list-style-type: none"> <li>1. B-2</li> <li>2. B-1</li> <li>3. R-1</li> <li>4. POS</li> </ul> </li> <li>D. To B-1:               <ul style="list-style-type: none"> <li>1. B-2</li> <li>2. R-1</li> <li>3. R-3</li> <li>4. 1-2</li> </ul> </li> <li>E. To R-1:               <ul style="list-style-type: none"> <li>1. B-2</li> <li>2. B-1</li> </ul> </li> <li>F. To R-3:               <ul style="list-style-type: none"> <li>1. B-1</li> </ul> </li> <li>G. To R-4:               <ul style="list-style-type: none"> <li>1. B-1</li> </ul> </li> <li>H. To POP:               <ul style="list-style-type: none"> <li>1. B-1</li> </ul> </li> <li>I. To POS:               <ul style="list-style-type: none"> <li>1. B-2</li> <li>2. R-1</li> </ul> </li> </ul>
1991 ATM	46	8-23-1991	<ul style="list-style-type: none"> <li>A. To HT</li> <li>B. B-2 to B-1</li> <li>C. B-1 to R-1</li> <li>D. B-1 to R-1</li> </ul>
1993 STM	8	4-2-1993	A. R-3 to B-1
1993 STM	10	4-2-1993	<ul style="list-style-type: none"> <li>A. To PIP:               <ul style="list-style-type: none"> <li>1. I-1</li> <li>2. POS</li> <li>3. R- 1</li> </ul> </li> <li>B. To POS:               <ul style="list-style-type: none"> <li>1. R-1</li> <li>2. I-1</li> </ul> </li> <li>C. To R-1:               <ul style="list-style-type: none"> <li>1. I-1</li> <li>2. POS</li> </ul> </li> </ul>
1993 ATM	60	7-9-1993	<ul style="list-style-type: none"> <li>A. R-4 to POS</li> <li>B. R-1 to POS</li> <li>C. B-1 to POS</li> <li>D. R-1 to POS</li> <li>E. R-1 to POS</li> <li>F. I-2 to POS</li> </ul>
1994 ATM	57	8-19-1994	<ul style="list-style-type: none"> <li>A. B-1 to R-1</li> <li>B. B-1</li> <li>C. B-1</li> </ul>

1995 ATM	58	7-31-1995	Show Ground- water Protec- tion District
1995 ATM	83	7-31-1995	A. PIP to R-1
1996 ATM	53	9-9-1996	I-1 to R-1
1997 ATM	44	8-11-1997	POP to R-1
1997 ATM	45	8-11-1997	Extend B-1 of Lot 14, Block 488, Sheet 41
1998 STM	31	1-14-1999	R-1 to POS
1999 ATM	21	8-19-1999	B-1 to R-1
1999 STM	1	11-2-1999	R-4 to R-2 Lots 22 & 23,
Block 469, Sheets 32 & 42			