

*Town of Weymouth
Massachusetts*

Robert L. Hedlund
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MEMORANDUM

TO: TOWN COUNCIL
CC: TED LANGILL, CHIEF OF STAFF
ROBERT F. LUONGO, DIRECTOR OF PLANNING AND
COMMUNITY DEVELOPMENT
ERIC SCHNEIDER, PRINCIPAL PLANNER
FROM: ROBERT L. HEDLUND, MAYOR
SUBJECT: PROPOSED ZONING CHANGE IN THE JACKSON SQUARE
VILLAGE CENTER
DATE: MARCH 3, 2022

I submit the following measure for consideration by Town Council:

“That the Town of Weymouth, through Town Council with the approval of the Mayor, hereby amends the Town of Weymouth Ordinances in the following manner:

SECTION 1 Amend the Town of Weymouth Zoning Map by removing the following three (3) parcels from the B-2 District and adding the same to the Neighborhood Center District.

1. Map 19, Block 253, Lot 35 (1540 Commercial Street)
2. Map 23, Block 253, Lot 24 (1530 Commercial Street)
3. Map 23, Block 253, Lot 23 (1516 Commercial Street)

SECTION 2. Add a new Article VII D entitled Jackson Square Overlay District to the Town of Weymouth Zoning Ordinance as follows:

§ 120-25.37. Purpose.

The Jackson Square Zoning Overlay District is an overlay zoning district. Parcels within the overlay district are first subject to the additional regulations of the overlay. In cases where there is a conflict, the regulations of the overlay zoning supersede the underlying zoning district.

The purpose of the Jackson Square Overlay District is to support a vibrant, mixed-use village center that protects and enhances the significant natural resource of Herring Run Brook and connects the village and the brook to existing open space and recreational resources, including Lovell Field, Stephen J. Rennie Park, Iron Hill Park, and the Back River Trail. Existing public transit (bus and commuter rail), proposed improvements to encourage walking and biking, and municipal parking (on-street and off-street) provide multi-modal transit options connecting the surrounding neighborhoods to Jackson Square. These goals are consistent with the Town's commitment to Complete Streets, the Weymouth Master Plan and the Jackson Square Land Use Plan.

It is hereby declared to be the intent of the Jackson Square Overlay District to establish reasonable standards that permit and control mixed-use residential, commercial, governmental, institutional, and office uses in the Town of Weymouth. New development or substantial additions to or rehabilitation of existing buildings should accomplish the following goals:

- A. Be sympathetic to the massing and form of existing built structures and the architectural detailing of historic structures.
- B. Enhance the public realm by creating outdoor open spaces linked to existing open spaces, providing, over time, a continuous network of publicly accessible space along the Herring Run Brook.
- C. Support amenities for pedestrians and bicyclists, including public seating in areas of shade and sun, bicycle storage, and active, welcoming ground-floor façades.
- D. When feasible, adapt existing historic structures for new commercial uses that support the adjacent neighborhoods.
- E. Increase the variety of housing including ownership/rental models, different levels of affordability, and different sizes and layout to

accommodate housing needs for a wide range of ages, incomes, and levels of mobility.

- F. Reduce the amount of impervious surface by reducing parking requirements by use, encouraging shared parking spaces and parking access, and using low-impact development techniques to capture stormwater on site, preventing surface water run-off into the Herring Run Brook or the Town's stormwater sewer system.

This article is intended to be used in conjunction with other regulations as adopted by the Town, including historic district guidelines, design guidelines, site plan review, and other local ordinances designed to encourage appropriate and consistent patterns of village development.

§ 120-25.38. Establishment of Subdistricts.

The Jackson Square Overlay District is further divided into the following three (3) subdistricts as formally delineated on the Town of Weymouth Zoning Map.

1. Lower Jackson Square (LJSD)
2. Upper Jackson Square (UJSD)
3. Upper Commercial Street (UCSD)

§ 120-25.39. Applicability

- A. Within the Lower Jackson Square District (LJSD) three story projects of 50 feet or less adhering to the criteria contained within this Article, are permitted as of right with Site Plan Review per Article XXIVA and the additional guidelines of this Article. A Special Permit may also be granted by the Board of Zoning Appeals for mixed-use buildings of up to 4 stories and 60 feet comprised of commercial use(s) occupying 51% or more of the ground floor and office and/or residential on the upper floors.
- B. Within the Upper Jackson Square District (UJSD) mixed-use or commercial projects of three stories and 50 feet or less in compliance with the stated goals and criteria of this Article, are permitted as of right with Site Plan Review per Article XXIVA.

- C. Within the Upper Commercial Street District (UCSD) low density residential development including detached and attached townhomes with a maximum of 2.5 stories and 35 feet are permitted as of right provided that the lot(s) consist of 15,000 square feet or more. All such proposals require Site Plan Review per Article XXIVA. Any proposals on lots containing less than 15,000 square feet require a Special Permit from the Board of Zoning Appeals.

§ 120-25.40. Intensity of use.

No structure shall be erected, altered or moved, except in conformity with the following overlay district requirements:

A. Front yard setback:

1. The principal façade shall be set back no further than the setback of one of the adjacent buildings or the average of both unless the front yard setback includes publicly accessible open space, such as a small plaza, as an integrated component of the overall development. If no building is adjacent to the parcel, then the measure is the closest building on the same side of the principal street.
2. Parking and loading shall not be allowed in the front yard setback.
3. Porches, porticoes, stoops, bay windows, and other architectural protrusions integrated into the principal façade are allowed within the front yard setback but may not extend into or over the public right-of-way.
4. The area between the principal façade and the public right-of-way shall be appropriately landscaped.

B. Rear or side yard setback:

1. Minimum of 20 feet from an abutting single-family residential use.
2. Minimum of 20 feet from Herring Run Brook whether the brook is visible or below the surface of the lot. To accomplish the purposes of this article, the Board of Zoning Appeals is authorized to grant a special permit reducing the required setback upon a showing that the proposed development has made a significant effort to address the goals of the Jackson Square Land Use Plan (2021) with respect one or more of the following: (1) expansion of the Herring Run Pool Park; (2) removal of invasive species from the banks of the brook;

(3) daylighting the brook with appropriate channeling and plantings; and (4) elimination of the surface water run-off from the site into the brook. The 20-foot minimum setback is for zoning purposes only and does not supersede the requirements of the requirements of the Massachusetts Wetlands Protection Act and the Weymouth Wetlands Regulations as enforced by the Weymouth Conservation Commission. Where applicable, a separate application to that Commission will be required.

3. Where appropriate, rear and side yard setbacks shall connect to public open space and be used for active and passive public uses such as outdoor dining and retail, seating areas (shaded and open), bike racks, and other amenities designed to support local businesses and reinforce community pride and connections.

C. Maximum height:

1. Within the Upper Commercial Street district, a maximum of 2.5 stories and 35 feet is permitted.
2. Within the Upper Jackson Square district, a maximum of three stories and 50 feet is permitted.
3. To accomplish the purposes of this article, the Board of Zoning Appeals may issue a special permit to proposals within the Lower Jackson Square District (LJSD) to allow an increase in the height of structures either in existence, as reconstructed, or as new construction to four (4) stories and 60 feet. The relaxation of this requirement shall be allowed subject to a finding that the additional height is required to meet the development criteria for this zoning district.
4. The floor-to-floor height of the ground floor shall be between 12 feet and 15 feet, suitable for retail and restaurant uses, consistent with current practice for such uses.

D. Maximum lot coverage: 80% (buildings and parking).

1. To accomplish the purposes of this article, the Board of Zoning Appeals is authorized to grant a special permit to allow a higher lot coverage for structures either in existence, as reconstructed, or as new construction. The relaxation of this requirement shall be allowed subject to a finding that the additional lot coverage is required to meet the site and design criteria for this zoning district.

§ 120-25.41. Required parking spaces.

Off-street parking spaces within the Jackson Square Overlay District shall be provided in accordance with the following minimum requirements. All other requirements related to parking shall be as defined in Article XVII Off-Street Parking.

- A. Residential: A minimum of 1 parking space shall be provided for each studio housing unit. A minimum of 1.5 spaces are required for all other unit types.
 - 1. The use of offsite parking and/or shared parking to meet the minimum requirements of this Ordinance can be considered in the following circumstances:
 - a. A written agreement, with a minimum of a 5-year duration, between the Applicant and a property owner, including the Town and/or the MBTA, to lease overnight parking spaces to meet the required minimum. Space must be located within 1,000 feet of the lot line. If the conditions for shared parking become null and void and the agreement is discontinued, this will constitute a zoning violation for any use approved expressly with shared parking. The property owner must then provide written notification of the change to the Zoning Enforcement Official and, within 60 days of that notice, provide a remedy satisfactory to the Board of Zoning Appeals or other relevant regulatory body.
 - b. Demonstrated that the mix of uses on site allows for the sharing of parking spaces based on the anticipated peak demand for each use.
- B. Eating and drinking establishments: 1 space for each four (4) seats
- C. Retail, office and other commercial: 1 space per 400 square feet of gross floor area.
- D. Charging stations for electric, hybrid, or similar type vehicles shall be installed with the below frequency based on parking spaces:
 - 1. One to 10 spaces: none
 - 2. 11 to 25 spaces: one
 - 3. 26 to 50 spaces: two

4. 51 to 100 spaces three

§ 120-25.42. Special permit standards and criteria.

In addition to the specific criteria regarding the granting of a special permit in Article XXV, the Board of Zoning Appeals shall issue a special permit only after consideration of all the following:

- A. Impact on the neighborhood visual character, including architectural design, views and vistas.
- B. Degree to which the proposed use will share an access driveway and/or parking with an adjacent use and avoids new curb cuts.
- C. Compliance with the site and design standards in this zoning article.
- D. Degree to which the proposed project complies with the goals of the Jackson Square Land Use Plan (2021), the Weymouth Master Plan, and the provisions of this article.

§ 120-25.43. Site and design standards.

The following development standards shall be used for all applications requiring site plan approval from the Zoning Board of Appeals and/or the Director of Planning and Community Development.

- A. Criteria for the Entire Overlay District
 1. The principal façade shall be oriented toward the principal street. The main building entrance shall face the street and clearly connect to the public sidewalk.
 2. Ground floor retail, restaurant, and other commercial uses shall be oriented with their primary entrance and window(s) facing the principal street. The relationship of these uses to the principal façade shall maximize pedestrian activity and the visibility of the businesses along the length of the principal façade.
 3. A minimum of 60% of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor nonresidential space or product display areas. The bottom edge of such windows shall be no lower than three feet above the adjacent sidewalk and the window shall be no less than four feet in height.

4. In both the Upper and Lower Jackson Square Districts, the commercial use, including restaurant, retail or other active use that serves the public, must be a minimum of 51% of the gross floor area of the floor at street level.
5. The principal façade shall be articulated every 60-80 feet. All façades shall be treated with equal care in terms of design. Blank walls are prohibited.
6. Building and site lighting shall be designed to prevent light overspill or glare onto adjacent properties and shall be shielded at a 75-to-90-degree cut-off.
7. Underground utilities for new and redeveloped buildings are required unless physically restricted or blocked by existing underground obstructions.
8. Parking and loading/unloading shall be prohibited from the front yard setback between the principal façade and the street.
9. Access to rear parking shall have clearly marked and lit pedestrian access to the public sidewalk.
10. Bicycle storage shall be required at a ratio of one bicycle storage space for every twenty parking spaces.
11. The number of curb cuts onto the street shall be minimized and shared parking across multiple parcels shall be strongly encouraged.
12. New construction or significant rehabilitation shall retain all stormwater on-site, using rain gardens, bioswales, or other methods to allow stormwater to infiltrate rather than washing into Herring Run Brook. Applicants shall discuss the proposed maintenance of these low-impact development installations with the Board to ensure continual effectiveness of the operations.

B. Criteria for Lower Jackson Square District

1. Curb cuts shall not be allowed on the south side of Broad Street, between Pleasant Street and Water Street.
2. New construction or additions on the north side of Broad Street between the two intersections with Commercial Street shall provide one or more view corridors into Lovell Field.

3. New construction or additions on parcels adjacent to Herring Run Brook shall require new publicly accessible open space which connects existing publicly accessible space next to the brook (including Herring Run Pool Park, Stephen Rennie Park, and any future daylighted areas) and provide direct pedestrian connections from this open space to the public sidewalk and to parking, if appropriate. Such open space shall have a combination of landscape, hardscape, and amenities including, but not limited to benches and bicycle racks.
4. New construction or additions on parcels adjacent Lovell Field shall require new publicly accessible open space to the Field and provide a direct pedestrian connection from the public sidewalk on Broad Street to Lovell Field.
5. It is encouraged that the top floor of the building be stepped back to minimize massing and a cavern effect.

C. Criteria for Upper Jackson Square District

1. New development in the Upper Jackson Square District shall match one of the existing setbacks on either side of the property or the average of both unless a deeper setback is required for outdoor dining or retail display.
2. In this area, buildings over two stories generally have a narrower principal façade with a pitched roof. New development shall respect this pattern in the building form and massing.
3. It is encouraged that the top floor of the building be stepped back to minimize massing and a cavern effect.