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Massachusetts*



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MEMORANDUM MEASURE 20 010

TO: TOWN COUNCIL
FROM: COUNCIL PRESIDENT ARTHUR MATHEWS
**SUBJECT: MEASURE 20 010-REVIEW OF MEASURE NUMBER 17 127-ZONING AMENDMENT
 TO CREATE A COMMERCIAL CORRIDOR OVERLAY DISTRICT (SECTION 120-25.14)**
DATE: FEBRUARY 12, 2021
CC: KATHLEEN DERE

I am requesting the aforementioned measure be referred to the Ordinance Committee, Planning Board and the Planning Department for review.

This zoning change was passed by the Town Council on April 2, 2018 and signed by Mayor Hedlund on April 4, 2018.

When this was passed, the goal was to encourage redevelopment of commercial corridor districts; however there have been a number of developments which have mostly been apartments. I am concerned with the lack of commercial development and redevelopment since passing this zoning change. While I understand that we are in the midst of a pandemic, I am deeply concerned with some of the developments being mostly residential with limited commercial uses.

In addition, these apartment developments that have been or are being proposed are putting us further away from the 10 percent state's affordable housing goal, as minimal or no affordable housing is being included in these developments.

I am requesting that the Ordinance Committee, Planning Board and the Town of Weymouth Planning Department, conduct a thorough review of the commercial overlay district in its entirety, in order to address these concerns. I would welcome revisions, removal of the overlay district and/or any other changes that these departments/boards deem reasonable in addressing my concerns.

Revised 12/4 to Ord., voted 3/26 4-0; 4/2/19-
fc 9.1

TOWN OF WEYMOUTH

IN COUNCIL

ORDER NO. 17 127

NOVEMBER 30, 2017

INTRODUCED: MAYOR

ZONING AMENDMENT TO CREATE A COMMERCIAL CORRIDOR OVERLAY DISTRICT

Upon request of his Honor, Mayor Hedlund, the Town of Weymouth, through the Weymouth Town Council, approved the amendment of the Town of Weymouth Code of Ordinances in the following manner:

SECTION 1. Chapter 120 of the Town of Weymouth Ordinances is hereby amended by adding the following new article:

**Article VIIB
Commercial Corridor Overlay District**

120-25.14 Purpose and Intent

The Commercial Corridor Overlay District is an overlay district. Parcels within the overlay district are subject to either the additional requirements of the overlay district or the underlying district at the applicant's option. In cases where a conflict exists, the regulations of the overlay zoning or the underlying zoning shall apply based upon the scheme the applicant intends to comply.

The overlay district applies to the underlying districts in specific areas that are zoned as Business District (B-1) and Highway Transition (HT) with the intent of creating development and redevelopment opportunities along portions of the Town's major commercial corridors in the specific locations identified on the Town of Weymouth Zoning Map. Further, this Overlay District is created to permit the incorporation of a residential component as part of mixed-use developments. This is not possible within the underlying Business District (B-1) and limited within the Highway Transition District (HT).

It is hereby declared to be the intent of the Commercial Corridor Overlay District to establish reasonable standards reflective of the changing retail and office markets and additionally support within this district the Town's intent and goals to:

- A. promote the economic development, general welfare and safety of the community through the use of basic urban design standards in special development areas.
- B. provide the broadest range of compatible commercial and residential uses and encourage the development and redevelopment of underutilized or obsolete commercial property and ensure development and redevelopment that includes current retail and service trends and allows for a wide variety of mixed uses.
- C. encourage reuse and redevelopment of existing buildings and building lots along portions of the gateway corridors of Route 18, Route 53, and Route 3A and Columbian Street.
- D. encourage the consolidation of smaller lots and curb cuts.
- E. promote urban design that is consistent with the Town of Weymouth's economic development, planning and programmatic efforts.

- F. provide flexibility with regard to dimensional requirements in a manner that is consistent with the purposes and intent of this Article.

The Town intends with the overlay district to provide additional development options for qualifying properties. The Overlay District shall not take away the rights permitted by the underlying zoning district.

120-25.15 Applicability

A. Definitions

The following areas are established and defined.

1. The Route 53 Corridor is generally defined as the area along Route 53 from Broad Street to the Hingham town line with the exception of the Washington Street Corridor.
2. The Washington Street Corridor is generally defined as the portion of Route 53 beginning at the intersection with Route 18 and extending to approximately 650 feet east of the intersection with Middle Street.
3. The Route 18 Corridor is generally defined as the area along Route 18 from the intersection with Route 53 to the Abington Town Line.
4. The Columbian Street Corridor is generally defined as the area along Columbian Street from the Braintree town line to the intersection with Forrest Street.
5. The Route 3A Corridor is generally defined as the area along Route 3A between Neck/Green Street and the Hingham Town Line.

Refer to the Town of Weymouth Zoning Map for the precise extents of the Overlay.

B. Generally

Application for Special Permit can be made to the Board of Zoning Appeals under this Article provided that the lot consists of at least 30,000 square feet and either of the below is true:

1. The proposal consists of both a residential and nonresidential use with the ground floor of the building reserved for use as retail, office, or both and provides an active, transparent façade. See 120-25.23 (C). Proposals may also be comprised of more than one principal building on a lot representing the mixed use; or
2. The proposal is for a professional office building of between 3 and 5 stories dependent on the additional requirements in 120.25.17 (A).

120-25.16 Additional Criteria

In addition to the applicability requirements, an applicant must have a pre-application conference with the Director of Planning and Community Development or other appropriate staff as determined by him, to discuss additional criteria including:

- A. Adequacy of the site for the size of the proposed project and the extent that building design elements as well as setbacks, height and density (FAR) prevent large monolithic structures that overwhelm the streetscape and adjoining neighborhoods. Design elements shall be tailored to the building's specific location.
- B. Suitability of the site for the proposed use or uses ensuring that the retail use is compatible with the residential component of the proposal as well as with existing residential uses abutting the proposal. Specific consideration should be given to noise, lighting, and hours of operation.
- C. Degree to which the proposed project complies with the goals of the Town's Master Plans.
- D. Impact on traffic, pedestrian flow, safety, and access for emergency vehicles.
- E. Impact on established residential properties and areas including noise, lighting, and traffic.
- F. The extent to which the project promotes sustainable building, site design, and internal walkability.
- G. Extent to which buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse

impacts on abutting residential properties. To limit the adverse impact of any proposed use the Special Permit may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.

- H. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections. The Special Permit may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems and to maximize internal circulation.

Further, the Board of Zoning Appeals shall review all Special Permit requests with these criteria in mind.

120-25.17 Dimensional Requirements

A. Height

Proposals shall have a minimum of three (3) stories and 45 feet with a maximum of five (5) stories and 70 feet in the following areas:

1. the Route 18 corridor (120-25.15 (A) 3)
2. the Route Washington Street corridor (120-25.15 (A) 2)
3. the Route 3A corridor (120-25.15 (A) 5)

Within the Route 53 corridor (120-25.15 (A) 1) and within the Columbian Street corridor (120-25.15 (A) 4), height shall be limited to a minimum of three (3) stories and 45 feet and a maximum of four (4) stories and 60 feet.

The Board of Zoning Appeals shall consider in its review of the appropriate height within the defined ranges the following:

1. The Purpose and Intent of the Overlay District
2. Visual scale of proposal in context to the surrounding area.
3. Proximity to established residential areas.
4. Extent to which a proposal utilizes topography, façade articulation, roof line variation, step-up techniques, and building materials to achieve appropriate visual scale.

B. Setbacks

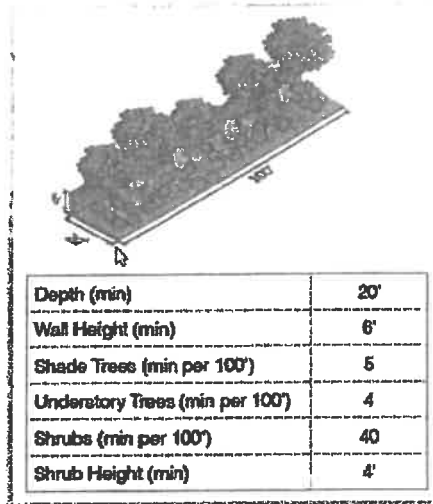
Recognizing that the primary mode of transportation along major commercial corridors will be the automobile, the goal of this Article is to safely accommodate traffic while preventing these gateway corridors from being visually dominated by large expanses of paved parking areas. With this in mind the following setback requirements shall be, at least, as follows:

1. The maximum front yard setback shall be 70 feet, taken as an average across the building frontage to allow for a minimum five (5) foot landscape area along the frontage, a row of parking, and a travel aisle.
2. The minimum front yard setback shall be 25 feet and will include a minimum five (5) foot landscape area along the frontage.
3. When a setback averaging less than 70 feet is proposed, the height of the building will be limited to 2 stories and 35 feet from the front of the building to the 70 foot setback line.
4. Side setbacks of shall be 10 feet.
5. Rear setback shall be 15 feet.

C. Additional Requirements when abutting a residential use

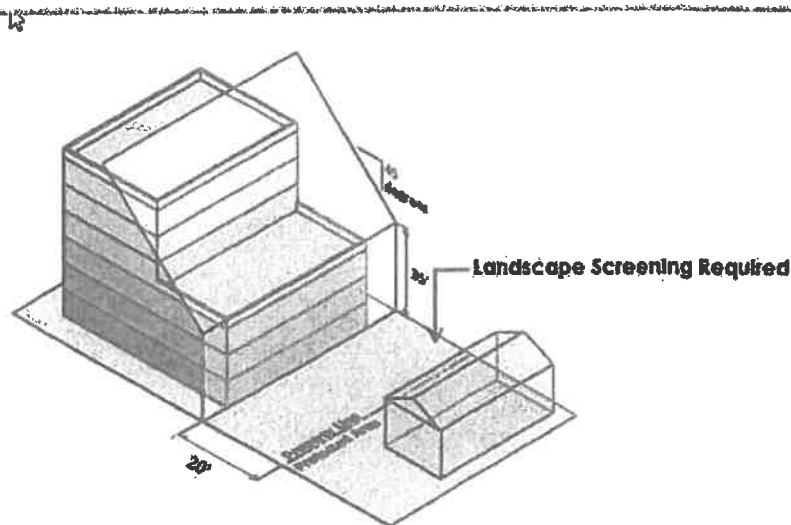
A 20 foot "no build" and "no parking" buffer will be provided along any property line abutting an existing residential use. A landscape and irrigation plan shall be submitted showing the size, species and location of planting material as well as the design and building materials of a fence. The buffer must adequately screen the proposed development from abutting residential uses as determined by review by the Director of Planning and Development. At a minimum, buffer trees should be of 3" to 4" caliper.

The buffer will consist of a privacy fence and landscape screen as illustrated below.



When abutting an addition to the 20 buffer, a step-up approach shall be applied to building heights as illustrated below. Building height will be limited to 35 feet for the first 25 feet after the 20 foot buffer.

existing residential use, in foot "no build" and "no parking"



The required buffers are

to be located so as not to interfere with safe emergency vehicle access and will be subject to review and approval by the Weymouth Fire Department.

120-25.18 Density

The building area for any building for occupancy should not exceed a floor area ratio (FAR), as defined in § 120-6, of the following:

The Route 53 and Columbian Street corridors shall have a maximum FAR of 0.75.

The Route 18, Route 3A and Washington Street corridors shall have a maximum FAR of 1.00.

Any building within 1,000 feet of MBTA Commuter Rail station may increase its maximum FAR by 0.25 FAR as defined in § 120-6 excludes commercial space and structured parking from FAR calculations.

120-25.19 Coverage

All proposals under this Article shall dedicate a minimum of 15% of the total land area as open space. Further, a maximum building coverage of 60% shall apply and only 75% of any site shall be of an impervious material.

120-25.20 Required Parking

A. Generally

Parking shall be provided per below:

Studios and 1 Bedrooms	1.25 spaces per unit minimum with 1.5 space maximum
All other residential	1.5 spaces per unit minimum with 2 space maximum

If the proposed development site is within 1,000 feet of an MBTA Commuter Rail station, the Board of Zoning Appeals may accept a reduction in the above requirements to 1.0 spaces per studio or one bedroom unit and 1.25 for other units.

The number of spaces required for other uses are pursuant to Section 120-74 of this Ordinance.

B. Shared Parking Arrangements

The Town encourages the use of shared parking arrangements. The Board of Zoning Appeals may consider proposals of this kind as justification for at most a 20% reduction in the required on-site parking.

In considering proposals for shared parking, the Board of Zoning Appeals shall use the following criteria:

1. uses sharing the parking facility may be on a separate lot, but shall be a maximum of 600 feet from the closest parking space. The applicant must submit a copy of the formal, written agreement outlining the details of the shared use agreement;
2. the hours of operation and peak demand of the uses involved;
3. the applicant shall demonstrate that vehicles occupying a particular number of spaces are unlikely to require the use of those spaces at the same time of day or same day of the week as the other shared use; and
4. the degree to which the applicant is committed to implementation of transit demand management measures such as those to promote car and van pooling, bicycling, and public transit.

120-25.21 Complete Streets and Green Community Requirements

The Town of Weymouth has adopted the Commonwealth's Complete Streets Policy and has been designated as a Green Community. The Town is committed to ensuring that all proposals provide the amenities required to encourage multi-modal and clean energy transportation options. As such, the Town requires the following to be included as part of each development proposal:

- A. Charging stations for electric, hybrid, or similar types of vehicles shall be installed with the below frequency based on parking spaces:
 - 1. 1-25 spaces: 0
 - 2. 26-50 spaces: 1
 - 3. 50-100 spaces: 2
 - 4. One additional charging station for each additional 50 spaces thereafter
- B. Bicycle racks shall be installed as part of each development. The required number of rack spaces shall be at least 15% of the total number of residential units.

120-25.22 Split Lots

In cases of lots with split zoning, the overlay district shall extend over the entire lot.

120-25.23 Building Orientation, Open Façades, and Screening

- A. Buildings shall generally be sited to face streets and sidewalks of the main corridor with entrances located to provide convenient access from the sidewalk network.
- B. An accessible, primary pedestrian entrance to the building shall face an abutting street. For interior buildings sites, entrances should connect to a pedestrian way that provides convenient access to the abutting street and sidewalk network.
- C. Building walls facing the street should present an active façade incorporating windows, doors, columns, changes in materials, modulation of the façade, and similar details to add visual interest.
- D. Parking for ground level, non-residential uses may be provided along the front, the sides, or both the front and sides of the building while parking for residential uses are encouraged to be sited in the rear of the building or within an interior parking structure. A detailed landscape, irrigation, and lighting plan for all parking areas shall be submitted as part of the application.
- E. Any portion of an above-ground parking structure fronting a public way shall include façade details and landscaping to maintain an attractive streetscape.
- F. Dumpsters, heating, ventilation, air conditioning, mechanical, electrical and plumbing equipment and loading docks shall be fully screened from view.

SECTION 2. Section 120-10.3 of said chapter 120 is hereby amended by striking out the paragraph (A) and inserting in place thereof the following paragraph:—

Residential District R-1. No additional criteria or requirements.

SECTION 3. Section 120-12 of said chapter 120 is hereby amended by striking out the sentence in paragraph (A) and inserting in place thereof the following sentence:—

Garage space for storage of not more than three automobiles. Single story, detached garages shall not exceed fourteen feet at the highest point.

SECTION 4. Chapter 120 is hereby amended by adding the following new section:—

Section 120-22.8.1 Prohibited Uses

- A. *Self-Storage Facilities*
- B. *Outdoor sale of automobiles where the inventory of used cars exceeds 10% of the total inventory.*

SECTION 5. Chapter 120 is hereby amended by adding the following new section:—

Section 120-23.1 Prohibited Uses

A. Self-Storage Facilities

B. Outdoor sale of automobiles where the inventory of used cars exceeds 10% of the total inventory.

SECTION 6. Chapter 120 is hereby amended by adding the following new section:—

Section 120-25.1.1 Prohibited Uses

C. Self-Storage Facilities

D. Outdoor sale of automobiles where the inventory of used cars exceeds 10% of the total inventory.

SECTION 7. Chapter 120 is hereby amended by adding the following new section:—

Section 120-27.2 Prohibited Uses

A. Self-Storage Facilities

B. Outdoor sale of automobiles where the inventory of used cars exceeds 10% of the total inventory.

SECTION 8. Section 120-35.2.2 of said chapter 120 is hereby amended by striking out the paragraph (D) and inserting in place thereof the following paragraph:—

Retail sales and consumer service establishments on the ground level of a multi-story building.

SECTION 9. Section 120-35.2.2 of said chapter 120 is hereby amended in paragraph (G) by inserting after the clause “*Nursing Home*” the following new clause:—

or Assisted Living Facility

SECTION 10. Section 120-35.2.2 of said chapter 120 is hereby amended by adding the following two paragraphs:—

I. Restaurant, theater, or other entertainment establishment particularly when shared parking agreements can be established with existing businesses. All regulations contained in 120-33.1 apply.

J. Parking structure as accessory to primary use.

SECTION 11. Section 120-57 of said chapter 120 is hereby amended by adding the following paragraph:—

Applications for Special Permits under Article VIIB may substitute the requirements of Sections 120-25.17 (c) with approval from the Board of Zoning Appeals.

SECTION 12. Section 120-64.3 of said chapter 120 is hereby amended by adding the following paragraph:—

F. Any proposed signage not in conformance with the regulations set forth in this section shall be subject to Site Plan Review under Article XXVA.

SECTION 13. Section 120-74 of chapter 120 of the Ordinances is hereby amended by striking out the paragraph (D) and inserting in place thereof the following paragraph:—

Eating and drinking establishments: one space for each 3 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.

SECTION 14. Section 120-102.1 of said chapter 120 is hereby amended by adding the following sentence:—

All dumpsters must be screened with opaque fencing on all sides and accessed by a closable, secured gate.

Section 16. Section 120-64.7 of said chapter 120 shall be amended to read:


Billboards of any kind are prohibited outside the limits of the Billboard Relocation Overlay District.

Section 17. Section 120-64.7.1 said chapter 120 shall be added to read:

Billboard Relocation Overlay District

- A. The Billboard Relocation Overlay District is established to provide for the removal and relocation of pre-existing, legally established billboards to new locations while achieving an overall reduction in the number of billboards throughout the Town.
- B. The regulations set forth below are generally applied to portions of properties located along Route 3 that are currently zoned Limited Industrial (I-1). The overlay shall be limited to an area extending three hundred feet from the centerline of Route 3 within the designated areas and as specifically identified on the Town of Weymouth Zoning Map.
- C. No more than three (3) electronic billboards are the only permitted use within the Billboard Relocation Overlay District and are subject to the approval of a billboard reduction and relocation agreement or development agreement for the reduction and relocation of billboards in compliance with this section.
- D. All billboards and related facilities and structures approved or permitted pursuant to a billboard reduction and relocation agreement or development agreement must be within the Billboard Relocation Overlay District and must comply with the requirements of Code of Massachusetts Regulations as defined in 700 CMR 3.17 and with the guidelines developed by the Director of Planning and Community Development.

Passed in Council – April 2, 2018
Presented to Mayor – April 3, 2018
A True Copy. Attest:


Kathleen A. Deree, Town Clerk

Approved 04-04-18
Date


Mayor

YEAS: DiFazio, Hackett, Happel, Harrington, Haugh, Heffernan
Lacey Mathews, McDonald, Molisse, Smart.

NAYS: DiFazio, Hackett, Happel, Harrington, Haugh, Lacey
Lacey, Mathews, McDonald, Molisse, Smart

ABSENT: McDonald