

Town of Weymouth, Massachusetts

Department of Planning and
Community Development

Town Hall, 3rd Floor
75 Middle Street
Weymouth, MA 02189
(781) 340-5015



Board of Zoning Appeals

www.weymouth.ma.us

BOARD OF ZONING APPEALS APPLICATION PACKAGE

APPLICATION FILING CHECKLIST

- **Application Filing Fee:** - Check payable to the Town of Weymouth and certified check payable to the Gatehouse Media MA - See Page 17 or visit www.weymouth.ma.us/board-of-zoning-appeals.
- **Twenty-six (26) copies of the following submittal package: stapled, folded to 8.5 x 11, if possible, and collated (double-siding is encouraged) into the following:**
 - Application Form (must be filled out completely and signed by the owner and applicant – (Pages 5-10).
 - Zoning Computation Worksheet identifying specific areas of compliance and non-compliance (Page 7).
 - Plan of Land – See Page 2 of application package. A certified plot plan prepared and stamped by a professional engineer or registered land surveyor of recent date. The plan must be to scale, include the owner's name and address, Weymouth Assessor's sheet, block and lot number. The plan should clearly show the existing conditions and the proposed changes.
 - Floor plans, Elevations, Rendering, Construction Plans. See Page 2 of application package and Article 6 of the Board's Rules and Regulations.
 - Any other supportive and supplemental material.
 - Photographs are recommended but not required.
- **Stormwater Management & Drainage Report** – (2 copies) where required by Weymouth Code of Ordinances Chapter 8-701 (when land disturbance will discharge stormwater off the subject property) and for applications having more than 7,500 SF of impervious area existing and proposed (See page 3 & the Instructions).

A pre-application submittal review with Planning, Building, and Public Works Department staff is *strongly* recommended for new construction of non-residential and multi-family applications. A neighborhood meeting and outreach to the district councilor is also encouraged.

All of the above required material must be submitted prior to the filing deadlines. However, please note that depending on the complexity of the application and other applications received, applications may be held at a following meeting. Contact the Board's staff or visit the Board's webpage at <http://www.weymouth.ma.us/board-of-zoning-appeals> to view the Board's meeting schedule and corresponding filing deadlines.

Note: The petitioner or representative must attend the public hearing. The public hearing notice and meeting agenda will be provided to the applicant by mail and email. Meetings are typically held twice a month on Wednesdays at 7:00 p.m. in the meeting room in the McCulloch Building at 182 Green Street in Weymouth. All meetings are open to the public and abutters are notified by the Town for public hearings.

For questions regarding allowed uses and dimensional requirements in the zoning districts, please contact the Inspector of Buildings / Zoning Enforcement Officer, Jeffrey Richards. For assistance while working on your submission to the Board of Zoning Appeals or to schedule a pre-application review meeting you should email the Principal Planner, at eschneider@weymouth.ma.us or call at 781-682-3637 to reach the Principal Planner directly. For general Zoning Board questions you may also contact the Planning Department main number at 781-340-5015.

Zoning Board of Appeals
c/o Department of Planning and Community Development
Weymouth Town Hall, 75 Middle Street, 3rd Floor, Weymouth, MA 02189
Telephone: (781) 340-5015

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PLOT PLAN - MINIMUM REQUIREMENTS (generally sufficient for minor projects or single & two-family residential).

A certified plot plan prepared and stamped by a professional engineer or registered land surveyor of recent date is required for all Zoning Board of Appeals applications. The plan of land, 8.5" x 11" or 11" x 17", and drawntoscale (at least 1 inch = 20 or 40 feet) showing the following:

- Address, square footage of the lot, block and lot number
- Name of applicant, property owner, and preparer, date and all revisions dates, if revised.
- North point with a bearing reference, scale, legend.
- Zoning district classification (Include overlay zones – village center overlay, groundwater protection, watershed protection).
- All existing structures on the lot with relevant setbacks from the lot lines.
- Label all dimensions of the proposed addition or structure and all relevant setbacks.
- Driveways and parking areas, name of abutting streets.
- Garages, sheds, and any accessory structures.
- All easements, streams, and wetland resource areas.
- Existing and proposed percentage of lot coverage (footprint of everything above grade except for steps). In square feet and percentage.
- Zoning Summary Table showing the required, existing and proposed zoning requirements.
- Plan should clearly show existing conditions and the proposed changes and proposed grading.

IMPORTANT: Mortgage Inspection Plans are for banking purposes only and are not considered true and accurate to property boundaries.

PLAN OF LAND – GUIDELINES FOR COMMERCIAL & MULTI-FAMILY DEVELOPMENT.

A certified plan prepared and stamped by a professional land surveyor or site plan prepared by a professional engineer of recent date. The plan shall be 8.5" x 11" or 11" x 17" drawn to a scale of 1 inch = 40 feet or 1 inch = 20 feet. If a larger full size plan set is needed to show the full extent of the proposal, six (6) full size sets should be submitted and twenty (20) reduced to exactly half the size and be no larger than 11" x 17". Plans should include the following:

- North point with bearing reference, scale, legend.
- Names and widths of abutting streets, location of benchmarks and monuments.
- Address and Weymouth Assessor's street atlas sheet map, block and lot number.
- Name of preparer, name of applicant, name of property owner.
- Zoning district classification (Include overlay zones – village center overlay, groundwater protection, watershed protection).
- Names of owners of property's abutters and map, block and lot numbers for each.
- Property lines, locations of all buildings, fences, walls, parking areas, driveways, walkways, and pedestrian areas, sidewalks, bicycle racks.
- Existing and proposed porches, decks, garages, sheds, pools, stairs and any other accessory buildings, uses or ground level projections.
- Distances from adjacent buildings and property lines. These should be verified in the field.
- The dimensions of the lot and buildings, square footage of the lot and buildings.
- All existing uses (i.e. types of businesses, types of residences) on the entire parcel and any future proposed uses. Indicate where each different use is located and how much square footage is dedicated to each use.
- Zoning summary dimensional table including existing, required, proposed, and the amount of relief being requested or noting a relief previously granted with dates of such granting for all dimensional requirements. See Zoning Ordinance Section 120-51 and Table 1 "Schedule of District Regulations".
- Existing and proposed Floor Area Ratio including calculation breakdown.
- Required off-street parking spaces for each use on the lot. If there are multiple uses, applicants must label which parking spaces are dedicated to each use.
- Parking table breakdown for existing parking spaces, proposed parking spaces, required number

of parking spaces (by different use), required handicap accessible spaces, proposed parking spaces, required number of accessible parking spaces with a 8' access aisle (for lots over 15 spaces). See Zoning Ordinance Article XVII & Section 120-74 for parking requirements.

- Existing and proposed easements, driveways, entrances, exits, circulation, alleyways, paths, pavement markings, drive-through lanes, access aisles (access aisles must be at least 20' wide for two-way traffic or at least 12' wide for one-way traffic).
- Location and dimensions of required loading spaces for entire site, if applicable. See Zoning Ordinance Article XVIII Section 120-76.
- Location, height, dimensions, type and distance from lot lines of any existing or proposed signs, including directional.
- Existing and proposed topography at 2 ft. intervals.
- Location of dumpsters, recycling and snow storage areas. (Multi-Family (3 or more units) require private trash and recycling removal).
- Locations of public or common areas, mail and package delivery locations.
- Size and location of existing and proposed water supply mains, hydrants, sewer pipes and systems, storm drains and their appurtenances.
- Landscape plan showing the location and species of any trees over 12 inches in diameter that are proposed to be removed as part of the development. Show proposed new landscaping locations on plan and provide a planting legend including species type, number, and size. See Board Rules and Regulations Section 6.7.
- Fire prevention systems such as hydrants, sprinklers, fire lanes, access area min. of 20 ft. wide.
- Existing and proposed grading, drainage and utilities plan.
- Stormwater Management Analysis & Drainage Report prepared by a MA Registered Professional Engineer to conform to MA Department of Environmental Protection Stormwater Management Regulations, the National Pollution Discharge Elimination System and Town of Weymouth Stormwater Ordinance (Weymouth Code of Ordinances Chapter 8-701). Required for projects with more than 7,500 SF of impervious area. See Board Rules and Regulations Article 6 Section 6.9 [Storm Water Report – 2 copies when required].
- Soil survey and percolation test including test borings and test pits for excavation or utility installation within certain areas within 10 ft. of a right-of-way and detention or retention structures above or below grade. See Board Rules and Regulations Article 6 Section 6.6.
- Lighting plan showing location, type, height, direction, detail, and illumination at ground level. See Board Rules and Regulations Section 6.8.
- Traffic Impact Study and Analysis for proposals for more than 10 residential units, drive-thrus. See Board Rules Section 6.10 and check with planning staff to see if one is required.
- Detail plans for construction of various elements of project in accordance with Town of Weymouth Department of Public Works Standards and Specifications.
- Any and all major land features such as streams, wetlands or other resource areas regulated under M.G.L Ch. 131, Sec. 40 and the Town's Code of Ordinances Chapter 7 Section 301. Disturbance within a resource area or within a buffer zone of a resource area under the Conservation Commission's jurisdiction will require Conservation Commission Review.
- For visibility purposes, no structure, fence, or planting shall be within 30 ft. of any corner street line intersection above a height of 3 ft. above curb level so as to interfere with traffic visibility across corners of intersections and entrances / exits.

ELEVATION & FLOOR PLANS - Minimum Requirements (for new buildings or an addition to an existing building) See Section 6.4 & 6.5 of the Board's Rules for more information:

- Drawn to scale appropriate to show proposal.
- Label property address, preparer, date.
- Front, side and rear elevations and sections indicating functions and spaces
- Label height, color, and exterior construction materials.
- Floor plans for each floor of the building showing the number and type of living units and rooms per unit; bedroom distribution, total floor area and calculations.

The Board is not limited to the information outlined in the Board's Rules and may request reasonable additional information such as a shadow study, wind study, building material samples, cost benefit analysis, or other not specifically required but may help the Board make an informed decision.

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

TO BE COMPLETED BY STAFF

Town Clerk Stamp

Case Number: _____

Submittal Accepted: _____ Date _____
Signature of Planning Dept. Staff for minimal requirements

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

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: _____

Assessor's Map Sheet, Block, & Lot: _____

Zoning District: _____ Overlay District: _____

OWNER OF RECORD (S) (print&sign): _____

(The owner of record is the person or entity who owns title to the property as of today's date)

Address of owner of record: _____

Norfolk County Registry of Deeds Book and Page No. _____

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print&sign): _____

Applicant's Address: _____

Contact Information: Email _____ Phone _____

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

NAME & AFFILIATION OF REPRESENTATIVE: _____

Address: _____

Contact Information: Email _____ Phone _____

NAME OF ENGINEER AND / OR ARCHITECT: _____

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

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

Applicant / Petitioner - Date (sign & print)

NATURE OF REQUEST

Application is for: _____ Special Permit _____ Variance _____ Amendment _____ Other: _____

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):

The above relief and Ordinance sections will be further reviewed after a complete package is submitted. This may be amended by the Planning or Building staff during the application review process after having the benefit of plan to accurately advertise the application before the Board.

PETITIONER’S DESCRIPTION AND NARRATIVE:

To be completed by all Board of Appeals Applicants. Attach additional sheets as necessary.

1. Describe what is presently located on the property (use as much detail as possible including all uses and square footage of each use):

2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):

3. Such a use is permitted by the Town of Weymouth Zoning Ordinance under Article (insert Article, Section of the Zoning Ordinance which permits the proposed use of the property).

4. Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list (provide dates of previous approvals, book and page numbers or any recorded decisions and copies of past decisions).

5. Any other additional information as relevant to the Variance or Special Permit:

ZONING COMPUTATION WORKSHEET

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

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

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

SUPPLEMENTARY QUESTIONS - SECTION 120-40 SPECIAL PERMITS

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

To be completed by Applicants applying for a Special Permit under Section 120-40 Only.

EXTENSION OR CHANGE FINDINGS OF FACT:

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

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities):

2. Indicate how long the nonconforming aspects of the structure have been in existence:

3. At the time the nonconformity was created (the structure or use initiated) was it compliant with the current zoning requirements? Past zoning ordinances are available for research at the Town Clerk's office and Planning Department. Past zoning maps are available at the Planning Department.

4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

6. Explain how the use or structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

VARIANCE APPLICATION

To be completed for Variance applications only.

VARIANCE FINDINGS OF FACT:

Criteria for approval. The Board may approve any such application for a Variance **only** if it finds that, in its judgment, all of the following conditions are met.

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the Town of Weymouth Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner.
2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.
3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.
4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMENTS SET FORTH IN CHAPTER 40A SECTION 10 OF THE GENERAL LAWS AND IN ARTICLE XXIV SECTION 120-119 OF THE WEYMOUTH ZONING ORDINANCE ARE SATISFIED. EACH OF THE ABOVE FINDINGS MUST BE ANSWERED IN DETAIL. ATTACH ADDITIONAL SHEETS IF NECESSARY.

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS**

Information and Instructions for Applicants

Please note that this document contains summary information that may be helpful to applicants seeking zoning relief from the Weymouth Board of Zoning Appeals (BZA). Please keep in mind that the applicable provisions of Massachusetts General Laws, the Town of Weymouth Zoning Ordinances, and the Board's Rules and Regulations will control in the event of any conflict with this summary. Additionally, the Board or Board's staff may modify this information at any time.

Summary of Steps: The following is a general outline of the procedures and steps involved in seeking zoning relief from the Board.

A. The Board of Appeals Process Summary

Pre-Application:

Go to the Building Department to determine whether your proposal conforms to the Zoning Ordinance. Certain uses require a Special Permit from the Board of Zoning Appeals (BZA) and relief from the Board is required if dimensional requirements are not met. The Inspector of Buildings is the official zoning enforcement officer and should be the first step in this process. A pre-application development review meeting with Planning, Building, and Public Works Department staff (and possibly others as necessary) is recommended for certain development proposals, particularly non-residential, multi-family and new construction. Many Zoning Board applications will require permits from other Town departments, boards, and commissions and a pre-development application can provide you with important guidance and help determine what relief and permits your project requires. To schedule a meeting with the development team you may contact the Principal Planner at 781-682-3637 or amccabe@weymouth.ma.us. Additionally, you may contact the Town Engineer at (781) 337-5100 to schedule a meeting with the Public Works Department. The Building Department has walk in office hours 7:30-9:00 a.m. and 2:30-3:30 p.m. daily.

The Application

- Obtain a copy of the current Zoning Ordinance (available from the Town's website at <http://www.weymouth.ma.us/planning-community-development/pages/zoning> or for purchase at the Town Clerk's office.
- Decide what type of request you are making (Special Permit, Variance, Appeal from action or failure to act by the Building Inspector, Extension of Time, Amendment, or Comprehensive Permit). The Building and Planning Department staff can help determine what relief you are seeking. The Building Inspector is the official zoning interpretation officer and most likely referred you to the Zoning Board. The Planning Department staffs the Board of Zoning Appeals and works closely with the Building Department with zoning interpretation functions. The Building Department has walk in office hours daily in the mornings and afternoons (7:30 – 9:00 a.m. & 2:30 – 3:30 p.m.). An appointment may be scheduled with Planning staff to assist with determining what you are applying for.
- Obtain a copy of the Board's **Application** form. Complete all portions of the Application relevant to your request. See **Instructions for Application** below for further information on how to complete your application. All supporting materials relevant to your request should be submitted with the Application. The **Application** form may be obtained from the Planning Department at Town Hall or on the website. A fillable PDF version of the Application is available on the Board's webpage at <http://www.weymouth.ma.us/board-of-zoning-appeals>
- Twenty-six (26) copies (this # is necessary for distribution to all relevant Town Departments) of the Application and all supporting materials must be submitted, along with a check (payable to the Town of Weymouth) and a certified check payable to the Gate House Media MA for the newspaper legal advertisement in the amount of the current filing fee (see current fee schedule on page 17, the Board's webpage or contact the Planning Dept). Your application should be submitted to the Planning Department on the 3rd floor at Town Hall.

- If your application is incomplete, if there are questions, or there is additional information or submittals that are needed you will be contacted by planning staff but may not be scheduled for a hearing date until a completed application is submitted.
- After your application has been reviewed by Planning Department staff and determined to be complete, it will be forwarded to the Town Clerk for filing which will set the official time clock (public hearings must be held / opened within 65 days from filing with the Clerk). Planning staff will set a date for a public hearing, a notice of the hearing will be published in the Weymouth News, the applicant will be notified, along with the abutters (within 300 feet of subject property) and interested parties, of the date and time of the public hearing. **Because the application package is sent to other Town departments for comment prior to the hearing, revised plans cannot be accepted after the submission of the application.**
- Applicants are encouraged to contact their neighbors and abutters, district Councilor, and any neighborhood groups, to inform them of what they are planning in advance of the hearing. This step is not required but may provide a way to demonstrate support for your application, as well as resolve concerns about your application prior to the public hearing.
- Questions regarding your application or the application process should be directed to the Planning Department staff through the main department phone number at 781-340-5015 or the Principal Planner at amccabe@weymouth.ma.us or 781-682-3637.

The Public Hearing

- The applicant will need to attend the public hearing and appear in person on the evening the application is scheduled to be heard. An attorney or other representative such as an engineer, architect, or builder is not necessarily required but you may bring them if you feel more comfortable as they may be better prepared to answer specific questions from the Board or public. Representation by the engineer is likely to be important for commercial, multi-family, and new construction, particularly if a stormwater report with drainage calculations was submitted.
- The Board generally meets twice a month on Wednesday evenings beginning at 7:00 p.m. More than one hearing may be on a particular meeting agenda but all hearings are scheduled for 7:00 p.m. Each application hearing will be placed on the agenda in the order it was received and the meeting will continue until all agenda items are heard.
- Planning staff will mail and email the applicant the public hearing legal advertisement, the meeting agenda, and any staff comments received a couple days prior to the meeting. (Legal ads will be provided 2 weeks in advance and the agenda is typically provided 3-5 days in advance.)
- If staff comments are received a few days prior to the hearing please do not begin to revise plans or present new plans at the public hearing. The plans presented to the Board and public at the hearing should be the same as the ones provided to the Board members in their packets.
- When your application is heard, the Board Chairman will give you the opportunity to explain your request to the Board and review with the Board any materials accompanying your application. You should clearly explain your application in detail. The Board members will have been provided your application in advance of the meeting but others at the meeting such as members of the public and the recording secretary taking the meeting minutes do not have this information and it is important that you clearly articulate your application and the nature of your request for the public record. After the applicant's presentation, the Board members may ask questions to make sure they understand the request and staff will be asked to comment. After the Board and staff have asked questions, the public will be given an opportunity to speak relative to any questions, comments, or concerns. The applicant will also be given an opportunity to respond to comments or questions through the Board's Chairman.
- If the Board has questions or requests that cannot be answered or satisfied at the hearing, the hearing may be continued by the Board to a future scheduled meeting.
- If additional, supplementary, revised or new materials, plans, etc. is requested by the Board, these should be submitted to the Planning Department (12 copies) at least 10-15 business days prior to the continued hearing date. This timeframe is to assure that the relevant Town staff including various departments and the Board has adequate time to review and consider these materials prior to the continued hearing. The exact timeframe will depend on the requested information and should be verified by the Board's staff. *The Board and the Board's staff reserve the right to refuse to accept any materials from the applicant that are not submitted to the Board*

within a sufficient timeframe prior to the hearing and may require a further continuance to a future meeting to provide ample time for review of the latest submission.

- After the Board has heard from the applicant, staff, and the public, and all other questions have been answered to the satisfaction of the Board, the Chairman will ask for a motion to close the public hearing. When the public hearing is closed, the Board will no longer receive or consider additional oral or written testimony on the application but may ask staff for zoning, logistical, or clarification questions for guidance.
- Other Town permits and / or Board approvals are often required in connection with an application, such as a building permit, permits from the Department of Public Works, Planning Board (Approval Not Required plans), Board of Health (dumpster), Conservation Commission (work within wetland resource areas or buffer zones), Board of Licensing Commissioners (food establishments), or Historic Commission (demolition of a historic structure). You may apply concurrently or after approval from the Zoning Board. The Zoning Board's decision will need to be recorded at the Registry of Deeds prior to applying for building permits.
- One of the most common applications the Board receives is for a Special Permit for the alteration of a structure or use that is nonconforming. Therefore, other information concerning the neighborhood and other structures or lots in the area and their relationship to your proposal is relevant to your application and you will need to provide such information.
- Applicants and members of the public should not discuss active cases before the Board outside of a public hearing or public meeting. All communication should be directed to the Board's staff.

The Decision

- If you have applied for a Special Permit, the Board has 90 days from the date of the close of the public hearing to render a decision. If you have asked for a Variance, the Board has 100 days from the date on which the Application was filed with the Town Clerk to render its decision.
- Generally, the Board will vote on the same night the public hearing is closed, however, for nonresidential or complex projects, the vote may be continued to a following meeting to allow time for the Board and staff to review all testimony received, prepare a draft motion, with findings, and conditions of approval and will be provided to the applicant. *All deliberation among Board members are held at public meetings but no further testimony will be taken after the public hearing has closed.*
- The Board may place conditions and safeguards on any approval (such as hours of operation, landscaping, screening, number of occupants, limitation of size, and reasonable off-site improvements).
- The Board consists of five voting members and four affirmative votes are required for a Special Permit, Variance or an Appeal application in order to be approved.
- The applicant may ask to withdraw their application without prejudice at any time during the process. If an application is denied, a repetitive application cannot be submitted for two years except with the consent of the Planning Board. If the applicant wishes to withdraw after advertisement of the public hearing, the Board will need to vote on the withdrawal request but if approved, this would allow the applicant to make changes to the application and re-apply. No refunds are issued for withdrawals unless it is withdrawn prior to the newspaper advertisement.
- Once the Board has voted, staff will prepare the written decision to be signed and submitted to the Town Clerk (the decision is generally signed at the Board's next meeting within 14-30 days) and filed with the Town Clerk within the next couple of days after the signing of the decision.
- The Town Clerk will stamp the Decision, a copy of the Decision will be mailed to the applicant, and a notice of the Decision will be mailed to abutters and other required parties.
- If the applicant or other party disagrees with the Decision, there is a 20 day appeal period from the date the Decision is filed with the Town Clerk.
- Appeals are made to the Norfolk County Superior Court, District, or Land Court. Appeals procedures are outlined in Massachusetts General Laws Chapter 40A, Section 17 and must be filed within the 20 days of filing the Decision with the Clerk.
- If no appeal is filed, the Town Clerk will certify the Decision and mail it to the applicant or the applicant's representative.

Post Decision

- The applicant is responsible for promptly recording the Decision at the Registry of Deeds – the Norfolk County Registry of Deeds in Dedham or the County Land Court. Section 11 of Massachusetts General Law Chapter 40A states that a Special Permit or Variance does not take effect until the Decision is recorded with the Registry of Deeds.
- Once recorded, proof of recording will need to be provided with your building permit.
- A Special Permit or Variance will lapse if construction or the use has not begun within the required time frames. If the rights authorized by a Variance are not exercised within **one (1)** year of the date of grant of the variance it shall lapse in accordance with [M.G.L. 40A, Section 10](#) and [Weymouth Zoning Ordinance Section 120-119C](#). Special permits shall lapse not later than **24 months** from the grant of such permit if construction has not commenced in accordance with [M.G.L. 40A, Section 10](#) and [Weymouth Zoning Ordinance Section 120-117](#).

Post Construction

- Once work is complete, the applicant is required to request a final certificate of occupancy from the Building Department. The Building Department will notify other Departments to review and sign-off on the occupancy permit. Planning staff will visit the site to review the work, and review the Board's Decision and approved plans for compliance. The project shall be substantially as similar to the Board's approval prior to the issuance of the final occupancy permit.
- The Building Department is responsible for the interpretation and enforcement of the Weymouth Zoning Ordinance in accordance with Zoning Ordinance Section 120-108. The Inspector of Buildings, or his designee, is the Town's official zoning enforcement authority. Individuals should contact the Building Department during business hours to report any potential zoning violations or complaints. Once an occupancy permit has been issued, the Inspector of Buildings is responsible for enforcement of the Board's decision and any conditions.

B. The Application Form

- *Application Fee.* Check payable to "Town of Weymouth" and certified bank check to "Gatehouse Media MA". See below for application filing fees.
- *Address.* Fill in the Street Number and Street Name of subject property.
- *Assessor's Parcel ID.* Fill in the Sheet Map, Block and Lot Number that identifies the subject Property. This information can be obtained on the GIS Property Viewer on the Town's homepage at <http://www.weymouth.ma.us/>.
- *Zoning District.* Fill in the Zoning District in which your property is located. This information can be obtained from looking at the Zoning Map, on the GIS Property Viewer, or the Board's staff.
- *Owner of Record.* This is the owner of record or entity who owns title to the property as of the date the application is being filed and should be filled in as it appears on the Deed of the Property.
- *Applicant.* If the applicant / petitioner is different than the owner this section should be completed and the relationship to the owner should be identified.
- *Contact Information.* Fill in the contact information. It is important the Board's staff know how to contact you during the Board process. If an attorney, engineer or other agent will be representing you at the hearing, please provide the name and contact information for each person. All correspondence such as the hearing notice, meeting agendas, staff comments, request for more information, and decisions will be provided to the contact listed on the application. Email is the recommended form of communication and will be the primary form of contact.
- *Applicant's Signature.* The Board's Rules and Regulations, the application package, and the application instructions must be read prior to submitting an application. The applicant's signature accepts the Board's terms and conditions.
- *Application is for.* Indicate what kind of zoning relief you are applying for, by checking the appropriate entry. The Inspector of Buildings or one of the two local Building Inspectors can help you with your initial zoning determinations as you were most likely directed to the Board by a Building Inspector and they are the official zoning officers. This will also be reviewed further by the Planning and Building staff upon submission of an application including a certified plot plan.
- *Applicable Section of Zoning Ordinance:* Indicate the specific Article and Sections of the Zoning Ordinance you are seeking relief from or under.

- *Petitioner's Description and Narrative.* The next five questions will need to be completed by applicants for all Board of Appeals applications. Each question should be answered with as much detail as possible. The written narrative should articulate what is on the plan and should describe in writing what the plan shows and what the applicant is proposing.
- *Stormwater Management & Drainage Calculations Report.* In accordance with Weymouth Code of Ordinances Chapter 8-701, a Stormwater Permit is required for any project with land disturbance that discharges stormwater off the property. A Stormwater Permit will be required unless compliance with MA DEP Stormwater Management Standards can be demonstrated to the Board. Drainage calculations are required for applications having 7,500 SF or more of impervious area on the property including any existing impervious areas to remain and proposed. Projects that require a Stormwater Management & Drainage Report should submit two (2) copies of a report prepared by a MA Registered Professional Engineer. See Section 6.9 of the Board's Rules.
- *Zoning Computation Worksheet (page 3).* This should be completed by the applicant and included as part of the application package submittal for all Special Permit and Variance applications. Fill in the table with the basic dimensional information of your property. This information is usually central to the Board's analysis and consideration of the proposal and needs to be provided to the Board in an accurate, consistent manner. The best source of this information is your surveyor, engineer, or architect, who can make these calculations for you. The Weymouth Zoning Ordinance and more specifically Section 120-51 and Table 1 "Schedule of District Regulations" will be the source of the zoning requirements. Not all sections in the table may be applicable but should be completed to the extent it is required by zoning. For example, not all zoning districts require Floor Area Ratios or landscaping.

The following is some further information on some of the dimensional requirements to be listed on the Zoning Computation Worksheet:

Use: The use made or to be made of the structures on the lot. For example "single-family, retail, automotive, multi-family".

Minimum Lot Size & Lot Area: The square footage (SF) of the lot. Lot area and size are the same. See the definition of "Lot" in Section 120-6 of the Zoning Ordinance. Please note that the minimum size and area in the R-1 zone is 25,000 SF.

Frontage: The length of frontage on the lot on the street. See definition in Section 120-6 and Section 120-56 of the Zoning Ordinance. Unless stated otherwise in Table 1, Schedule of District Regulations, the minimum frontage is 40 feet.

Lot Width: The minimum width of the lot from one side lot line to the other, measured at the building line. See the definition in Section 120-6 of the Zoning Ordinance.

Minimum Front Yard, Side Yard and Rear Yard Depth: The minimum setbacks from the lot line of all structures on the lot (measured from the property line not, the street pavement). See the definition of "setback" in Section 120-6 of the Zoning Ordinance. The setback is referred to as a "depth" in Table 1, Schedule of District Regulations.

Maximum Lot Coverage: The fixed relation between the lot area and the area of ground coverage of all buildings, including accessory structures, expressed as a percentage. See definition in Section 120-6 of the Zoning Ordinance.

Maximum Height: The maximum allowed height of the structures on the lot. See definition in Section 120-6 of the Zoning Ordinance.

Floor Area Ratio (FAR): The total square feet of a building divided by the total square feet of the lot the building is located on. The floor area and the calculated gross floor area should be provided for the existing and proposed conditions, on a floor by floor basis for the principal structure, for all buildings, and with a total square foot figure. See the definition in Section 120-6 for details on how to calculate the figure. When required this calculation should also be included

on the site and architectural plans.

Accessory Structure: Is a subordinate building incidental to that of a principal building and the use of the lot, such as a shed or garage. See the definition for “Accessory Building” in Section 120-6 of the Zoning Ordinance.

- *Special Permit Findings of Fact (page 4).* The five questions on page 4 of the application should be completed by all applicants applying for a Special Permit. These findings are what the Board will base its decision on in accordance with Section 120-122D of the Zoning Ordinance and statutory requirements. It is the applicant’s responsibility to provide evidence and justification to the Board supporting the Applicant’s request for zoning relief. The statements should be identified and factually supported in writing and verbally at the public hearing.
- *Extension or Change Findings of Fact (page 5).* The six questions on page 5 of the application should be completed by all applicants applying for a Special Permit under Section 120-40 “Non-conforming Uses & Structures” and contain supplementary questions. In order for a Special Permit to be approved under this section, the Board must find that the non-conformity was lawful at the time it was created and the Board finds that the change, extension or alteration will not be substantially more detrimental than the existing nonconformity.
- *Variance Findings of Fact.* The four questions on page 6 of the application should be completed by applicants applying for a Variance. The Board is only permitted to grant a variance only if it finds that all of the four criteria are met. It is the applicant’s responsibility to provide evidence and justification to the Board supporting the Applicant’s requested zoning relief. The statements should be identified and factually supported in writing and verbally at the public hearing.
- *The Application Checklist, Plot Plan & Plan of Land Checklists, and Instructions.* Are intended to provide guidance to applicants and should not be submitted with the application.

ZONING BOARD FEE SCHEDULE

Application Filing Fee:

Special Permits and Variances:

A check or money order payable to the Gate House Media MA for \$47.05 is required for all applications.

A check or money order payable to the Town of Weymouth based on the following:

Base rate residential	\$150.00
Base rate non-residential	\$450.00
Residential, additional charge per lot or unit	\$150 (max. 1,500.00)
Non-residential, additional charge per 1,000 sq. ft. of gross floor area	\$100.00 (max. 1,500.00)
Comprehensive Permit (40B)	minimum of \$1,000.00

FOR INFORMATIONAL PURPOSES ONLY

The Town of Weymouth, by this document, does not provide legal advice. Questions about Variances and Special Permits should be directed to your legal counsel.

Decisions of the Board: Final decisions are typically signed at the next scheduled Board meeting and filed with the Town Clerk. Typically, if there is no appeal of the decision after twenty days (20) has elapsed from the date the decision was filed with the Clerk's office, the applicant may obtain a properly certified copy of the approved decision by mail from the Town Clerk (Mass. General Law, Chapter 40A, Section 11).

Department of Planning & Community Development

Town Hall, 3rd Floor
75 Middle Street
Weymouth, M A 02189
(781) 340-5015
Monday – Friday 8:30 a.m. – 4:30 p.m.
<http://www.weymouth.ma.us/>

Recording of Variances & Special Permits: Upon obtaining a properly certified copy of the approved decision, the applicant must bring the same copy to the Norfolk Registry of Deeds or Land Court and have the decision recorded (Mass. General Law, Chapter 40A, Section 11).

Norfolk County Registry of Deeds

649 High Street | Dedham, MA 02026
(781) 461-6101
Recording Hours: 9:00 a.m. - 4:00 p.m. (Mon. - Fri.)
<http://www.norfolkdeeds.org/>

Lapse of Variance(s): Per Town of Weymouth Zoning Ordinance, Article XXIV, Section 120-119 (C): If the rights authorized by a variance are not exercised within one year of the date of grant, they shall lapse and may be reestablished only after notice and a new public hearing.

Lapse of Special Permit(s): Per the Town of Weymouth Zoning Ordinance, Article XXIII, Section 120-117: If the substantial use or construction permitted under the Special Permit has not commenced within twenty-four (24) months, they shall lapse and may be reestablished only after notice and a new public hearing.

For more information about the Weymouth Board of Zoning Appeals:

1. The Weymouth Zoning Ordinance and Zoning Map are available online at www.weymouth.ma.us. Choose "Departments" option. Then click on "Planning & Community Development Department" and scroll down to the Zoning tab on the left hand side of the screen under links. This will take you to the Zoning Ordinance and Zoning Map.
2. The Board of Zoning Appeals Rules and Regulations are available online at <http://www.weymouth.ma.us/board-of-zoning-appeals> on the left hand side under links.
3. Frequently Asked Questions regarding the Weymouth Board of Zoning Appeals, the Application Form, the Board's meeting schedule and filing deadlines, the fee schedule and Application Instructions can also be found on the Board's webpage <http://www.weymouth.ma.us/board-of-zoning-appeals>
4. For more information about M.G.L Chapter 40A, Zoning <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A>