

91 Beatrice Circle Apartments – List of Requested Waivers

<u>Chapter/Section</u>	<u>Subject</u>	<u>Requirement</u>	<u>Waiver Requested/Applicability</u>
<u>Zoning By-Law of the Town of Belmont, Massachusetts</u>			
§ 1.3	Basic Requirements	Basic requirements for compliance with the Bylaw.	A waiver is sought for this section in its entirety to permit the Project pursuant to M.G.L. c. 40B and 760 CMR 56, as shown on the Project Plans, which will include multifamily residential use (12 units in 2 buildings) in the Single Residence A (SR-A) zoning district in accordance with the dimensional and use waivers requested herein.
§ 1.6	Variation	“Where this By-Law imposes a greater restriction upon the use of buildings or premises than is imposed by existing provisions of law or other By-Laws, the provisions of this By-Law shall control. Where a provision of this By-Law may be in conflict with any other provision or provisions of this By-Law, the more stringent or greater requirements shall control.”	A waiver is sought for this section in its entirety to permit the Project pursuant to M.G.L. c. 40B and 760 CMR 56, as shown on the Project Plans, which will include multifamily residential use (12 units in 2 buildings) in the Single Residence A (SR-A) zoning district in accordance with the dimensional and use waivers requested herein.
§ 3.1	General Use Requirements	General Use Requirements.	A waiver is sought for this section in its entirety to permit the Project pursuant to M.G.L. c. 40B and 760 CMR 56, as shown on the Project Plans, which will include multifamily residential use (12 units in 2 buildings) – a forbidden use in the Single Residence A (SR-A) zoning district – in accordance with the dimensional and use waivers requested herein.

91 Beatrice Circle Apartments – List of Requested Waivers

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§ 3.3	Schedule of Use Regulations	Specific use requirements in all zoning districts.	A waiver is sought for this section in its entirety to permit the Project pursuant to M.G.L. c. 40B and 760 CMR 56, as shown on the Project Plans, which will include multifamily residential use (12 units in 2 buildings) – a forbidden use in the Single Residence A (SR-A) zoning district – in accordance with the dimensional and use waivers requested herein. Specifically enumerated uses to be allowed will include, without limitation, “other apartment house”, “open lot parking in excess of the above accessory to residential use”, and “shared driveway”.																				
§ 4.1	General Dimensional Requirements	General dimensional requirements	A waiver is sought for this section in its entirety to permit the Project pursuant to M.G.L. c. 40B and 760 CMR 56, as shown on the Project Plans, which will include multifamily residential use (12 units in 2 buildings) in accordance with the dimensional and use waivers requested herein.																				
§ 4.2.1	Schedule of Dimensional Regulations (Area)	<div>This section imposes the following dimensional requirements (area) in the SR-A zoning district:</div> <table><tr><th><u>Dimension</u></th><th><u>Requirement</u></th></tr><tr><td>Lot Area</td><td>25,000 SF</td></tr><tr><td>Frontage</td><td>125’</td></tr><tr><td>Max. Lot Coverage</td><td>20%</td></tr><tr><td>Min. Open Area</td><td>50%</td></tr></table>	<u>Dimension</u>	<u>Requirement</u>	Lot Area	25,000 SF	Frontage	125’	Max. Lot Coverage	20%	Min. Open Area	50%	<div>Waivers are sought for this section to permit the Project as specified below:</div> <table><tr><th><u>Dimension</u></th><th><u>Provided</u></th></tr><tr><td>Lot Area</td><td>23,496 SF (WAIVER)</td></tr><tr><td>Frontage</td><td>200.0’ (NO WAIVER)</td></tr><tr><td>Lot Coverage</td><td>29.9% (WAIVER)</td></tr><tr><td>Open Area</td><td>38.3% (WAIVER)</td></tr></table>	<u>Dimension</u>	<u>Provided</u>	Lot Area	23,496 SF (WAIVER)	Frontage	200.0’ (NO WAIVER)	Lot Coverage	29.9% (WAIVER)	Open Area	38.3% (WAIVER)
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§ 4.2.2	Schedule of Dimensional Regulations (Linear)	<p>This section imposes the following dimensional requirements (linear) in the SR-A zoning district:</p> <table><tr><td><u>Dimension</u></td><td><u>Requirement</u></td></tr><tr><td>Front Yard Setback</td><td>30’</td></tr><tr><td>Side Yard Setback</td><td>15’</td></tr><tr><td>Rear Yard Setback</td><td>40’</td></tr><tr><td>Max. Bldg. Height</td><td>36’</td></tr><tr><td>Max. Bldg. Stories</td><td>2.5</td></tr></table>	<u>Dimension</u>	<u>Requirement</u>	Front Yard Setback	30’	Side Yard Setback	15’	Rear Yard Setback	40’	Max. Bldg. Height	36’	Max. Bldg. Stories	2.5	<p>Waivers are sought for this section to permit the Project as specified below:</p> <table><tr><td><u>Dimension</u></td><td><u>Provided</u></td></tr><tr><td>Front Yard Setback</td><td>7.7’ (WAIVER)</td></tr><tr><td>Side Yard Setbacks</td><td>23.3’ (WAIVER)</td></tr><tr><td></td><td>>45’</td></tr><tr><td>Rear Yard Setback</td><td>12.1’ (WAIVER)</td></tr><tr><td>Bldg. Height</td><td>43’ (WAIVER)</td></tr><tr><td></td><td>30.5’ (Rear Bldg)</td></tr><tr><td>Bldg. Stories</td><td>4/3 (WAIVER)</td></tr></table>	<u>Dimension</u>	<u>Provided</u>	Front Yard Setback	7.7’ (WAIVER)	Side Yard Setbacks	23.3’ (WAIVER)		>45’	Rear Yard Setback	12.1’ (WAIVER)	Bldg. Height	43’ (WAIVER)		30.5’ (Rear Bldg)	Bldg. Stories	4/3 (WAIVER)
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§ 4.3.5(a)(3)	Garages	A garage shall have a vehicular access from the street.	A waiver is sought for this section to allow all garages to have vehicular access to/from the internal site driveway, as shown on the Project plans.																												
§ 4.3.9	Multiple Buildings	Regulations pertaining to multiple buildings on one lot.	Waiver sought for this section in its entirety to allow 12 residential units in 2 buildings (7 and 5 units in two row house-style townhouse buildings), as shown on the Project plans.																												
§§ 5.1, 5.1.1(a), 5.1.2(a), 5.1.2(i), 5.1.2(j), 5.1.3(b), 5.1.3(c), 5.1.3(d), 5.1.3(e), 5.1.3(f), 5.1.3(g), 5.1.3(h), 5.1.3(j)	Off-Street Parking and Loading Regulations	Regulations applicable to off-street parking and loading.	A waiver is sought for these sections in their entirety. Instead, the project, including the approval of all parking/loading design, dimensions, locations, setbacks, screening/landscaping, topography, lighting, configuration, layout, and construction as shown on the attached site plans, will be permitted under M.G.L. c. 40B. The Project will include 21 parking spaces (12 garage spaces, 9 surface).																												

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§ 5.2	Signs	Regulations and permitting requirements applicable to signs.	A waiver is sought for this section in its entirety. Instead, any/all Project signage, including design, dimensions, location(s), setbacks, screening/landscaping, topography, lighting, configuration, layout, maintenance, and construction as shown on the attached site plans, will be permitted under M.G.L. c. 40B.
§ 5.3	Landscaping	Regulations applicable to landscaping.	A waiver is sought for this section in its entirety. Instead, any/all Project landscaping, including types, numbers, locations, species, sizes, dimensional particulars, and maintenance of any/all landscaping, and including any/all removal of existing vegetation, all as shown on the Project plans, will be permitted under M.G.L. c. 40B and 760 CMR 56.00 as part of the Comprehensive Permit for the Project.
§§ 5.4.1, 5.4.3, 5.4.8	Light/Glare	Requiring a special permit to approve project lighting and imposing design specifications for exterior lighting design and off-site impacts.	A waiver is sought for these sections in their entirety to approve Project lighting as shown on the Project plans under M.G.L. c. 40B and 760 CMR 56.00 as part of the Comprehensive Permit for the Project, including off-site lighting as shown on said plans.
§ 6.2	Earth Removal	Restrictions and permitting requirements for the removal of earth.	A waiver is sought for this section in its entirety. Instead, any/all earth removal associated with the construction of the Project will be permitted under M.G.L. c. 40B and in accordance with any applicable state or federal law.

91 Beatrice Circle Apartments – List of Requested Waivers

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§ 6.10	Inclusionary Housing	Inclusionary housing bylaw.	A waiver is sought for this section in its entirety to the extent it differs from or imposes more stringent standards than found in M.G.L. c. 40B and 760 CMR 56.00, and to the extent it would impose additional permitting requirements for the Project. Instead, the Project, including the affordability component thereof, will be permitted in accordance with the requirements and standards specified in M.G.L. c. 40B and 760 CMR 56.00. More specifically, the Project will provide 9 market rate units and 3 affordable units (25%).
§ 7.1	Enforcement	Enforcement of Zoning Bylaw.	A waiver is sought for this section in its entirety to the extent necessary to permit the Project under M.G.L. c. 40B and 760 CMR 56.00, including the variations from the Zoning Bylaw for which waivers are herein requested.
§ 7.2	Compliance	Compliance with Zoning Bylaw.	A waiver is sought for this section in its entirety to the extent necessary to permit the Project under M.G.L. c. 40B and 760 CMR 56.00, including the variations from the Zoning Bylaw for which waivers are herein requested.
§ 7.3	Design and Site Plan Review	Design and Site Plan Review.	A waiver is sought for this section in its entirety, including all permitting requirements, procedures, submittal requirements, guidelines for review/approval, and design standards. Instead, the Project will be permitted under M.G.L. c. 40B and 760 CMR 56.00.

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§ 7.5	Development Impact Report	Development Impact Report.	A waiver is sought for this section in its entirety, including all permitting requirements, procedures, submittal requirements, costs/fees allocations, peer review consultancy requirements, guidelines for review/approval, and design standards. Instead, the Project will be permitted under M.G.L. c. 40B and 760 CMR 56.00.
<u>Belmont Streets & Sidewalks Bylaw (Bylaws of the Town of Belmont, Sections 60-800 - 60-810)</u>			
All Sections	Streets & Sidewalks	Regulations pertaining to activities in/on public streets and sidewalks, including construction.	A waiver is sought for this Bylaw solely to the extent required to authorize the proposed improvements within the layout of Beatrice Circle as shown on the Project plans as part of the Comprehensive Permit for this Project.
<u>Belmont Stormwater Management and Erosion Control By-law (Article 34)</u>			
All Sections; <i>See, e.g., § 34.6.4.1(c)</i>	Stormwater Management	<i>See, e.g., § 34.6.4.1(c):</i> “There shall be no change to the existing conditions of abutting properties from any increase in volume of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands, ground water levels or wells.”	A waiver is sought for this bylaw to the extent it varies from or exceeds any/all applicable state and/or federal standards, including without limitation Massachusetts Stormwater Management Standards and any applicable federal MS4 requirements with respect to volume of stormwater runoff. A waiver is requested to authorize the Project stormwater management system as shown on Project plans. As required by Massachusetts Stormwater Management Standards, peak runoff rates under proposed conditions will not exceed peak runoff rates under existing conditions, although runoff volume may increase.

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<u>Town of Belmont Zoning Board of Appeals – Comprehensive Permit Rules and Regulations</u>			
All Sections	Regulations applicable to Chapter 40B applications	Filing and other technical requirements applicable to Chapter 40B Comprehensive Permit applications	<p>A waiver is sought for these Rules and Regulations in their entirety to the extent their requirements differ from M.G.L. c. 40B and 760 CMR 56.00. Instead, the project will be permitted under M.G.L. c. 40B and 760 CMR 56.00.</p> <p>In particular, the Applicant objects to any/all filing fees and deposits required by this Bylaw and reserves the right to appeal any/all such fees and deposits. Subject to this objection and reservation of rights, the Applicant has included with this filing payment of all required fees/deposits.</p>