

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 5 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 5 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 5 buildings) – a forbidden use in the Single Residence A (SR-A) zoning district – in accordance with the dimensional and use waivers requested herein.

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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 5 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 5 buildings) in accordance with the dimensional and use waivers requested herein.																				
§ 4.2.1	Schedule of Dimensional Regulations (Area)	<p>This section imposes the following dimensional requirements (area) in the SR-A zoning district:</p> <table border="0"> <thead> <tr> <th><u>Dimension</u></th> <th><u>Requirement</u></th> <th><u>Dimension</u></th> <th><u>Provided</u></th> </tr> </thead> <tbody> <tr> <td>Lot Area</td> <td>25,000 SF</td> <td>Lot Area</td> <td>23,496 SF (WAIVER)</td> </tr> <tr> <td>Frontage</td> <td>125’</td> <td>Frontage</td> <td>200.0’ (NO WAIVER)</td> </tr> <tr> <td>Max. Lot Coverage</td> <td>20%</td> <td>Lot Coverage</td> <td>33.0% (WAIVER)</td> </tr> <tr> <td>Min. Open Area</td> <td>50%</td> <td>Open Area</td> <td>34.3% (WAIVER)</td> </tr> </tbody> </table>	<u>Dimension</u>	<u>Requirement</u>	<u>Dimension</u>	<u>Provided</u>	Lot Area	25,000 SF	Lot Area	23,496 SF (WAIVER)	Frontage	125’	Frontage	200.0’ (NO WAIVER)	Max. Lot Coverage	20%	Lot Coverage	33.0% (WAIVER)	Min. Open Area	50%	Open Area	34.3% (WAIVER)	<p>Waivers are sought for this section to permit the Project as specified below:</p>
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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 border="0"> <thead> <tr> <th><u>Dimension</u></th> <th><u>Requirement</u></th> </tr> </thead> <tbody> <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> </tbody> </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 border="0"> <thead> <tr> <th><u>Dimension</u></th> <th><u>Provided</u></th> </tr> </thead> <tbody> <tr> <td>Front Yard Setback</td> <td>8.4' (WAIVER)</td> </tr> <tr> <td>Side Yard Setbacks</td> <td>12.2' (WAIVER)</td> </tr> <tr> <td>Rear Yard Setback</td> <td>10.2' (WAIVER)</td> </tr> <tr> <td>Bldg. Height</td> <td>41' (WAIVER)</td> </tr> <tr> <td>Bldg. Stories</td> <td>4 (WAIVER)</td> </tr> </tbody> </table>	<u>Dimension</u>	<u>Provided</u>	Front Yard Setback	8.4' (WAIVER)	Side Yard Setbacks	12.2' (WAIVER)	Rear Yard Setback	10.2' (WAIVER)	Bldg. Height	41' (WAIVER)	Bldg. Stories	4 (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.																								
§ 4.3.7(b)	Landscaping	No fence or vegetation between 3-8' in site triangle shown in this section.	A waiver is sought for this section to allow site landscaping, fencing, and/or signage as shown on the Project plans.																								
§ 4.3.8	Solar Energy Systems	Regulations applicable to solar energy systems	A waiver is sought for this section in its entirety to the extent the Project includes solar energy systems. Any/all solar energy systems will be permitted 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 5 buildings (8 units in one row house-style townhouse building and 4 freestanding single-family dwellings), as shown on the Project plans.																								

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§§ 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 20 parking spaces (12 garage spaces, 8 surface).
§ 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.

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§§ 5.4.1, 5.4.2, 5.4.8	Noise	Regulations applicable to noise.	A waiver is sought for these sections in their entirety to the extent they differ from or impose more stringent standards than found in M.G.L. c. 40B and any applicable state or federal law, and/or to the extent they would impose additional permitting requirements for the Project – in particular noise associated with the construction or maintenance of the Project. Instead, the Project will be permitted under M.G.L. c. 40B and in accordance with any applicable state or federal law.
§§ 5.4.1, 5.4.3, 5.4.8	Light/Glare	Regulations applicable to light/glare.	A waiver is sought for these sections in their entirety to the extent they differ from or impose more stringent standards than found in M.G.L. c. 40B and any applicable state or federal law, and/or to the extent they would impose additional permitting requirements for the Project. Instead, all Project lighting, 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, 5.4.4, 5.4.8	Air Quality	Regulations applicable to air quality.	A waiver is sought for these sections in their entirety to the extent they differ from or impose more stringent standards than found in M.G.L. c. 40B and any applicable state or federal law, and/or to the extent they would impose additional permitting requirements for the Project – in particular with respect to air quality impacts associated with the construction or maintenance of the Project. Instead, the Project will be permitted under M.G.L. c. 40B and in accordance with any applicable state or federal law.

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§§ 5.4.1, 5.4.5, 5.4.8	Hazardous Materials	Regulations applicable to hazardous materials storage/use.	A waiver is sought for these sections in their entirety to the extent they differ from or impose more stringent standards than found in M.G.L. c. 40B and any applicable state or federal law, and/or to the extent they would impose additional permitting requirements for the Project – in particular with respect to the use/storage of hazardous materials in connection with the construction or maintenance of the Project. Instead, the Project will be permitted under M.G.L. c. 40B and the use/storage of any hazardous materials will be in accordance with any applicable state or federal law.
§§ 5.4.1, 5.4.6, 5.4.8	Vibration	Regulations applicable to vibration impacts.	A waiver is sought for these sections in their entirety to the extent they differ from or impose more stringent standards than found in M.G.L. c. 40B and any applicable state or federal law, and/or to the extent they would impose additional permitting requirements for the Project – in particular with respect to vibration impacts associated with the construction or maintenance of the Project. Instead, the Project will be permitted under M.G.L. c. 40B and in accordance with any applicable state or federal law.

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§§ 5.4.1, 5.4.7, 5.4.8	Electrical Disturbances	Regulations applicable to electrical disturbances.	A waiver is sought for these sections in their entirety to the extent they differ from or impose more stringent standards than found in M.G.L. c. 40B and any applicable state or federal law, and/or to the extent they would impose additional permitting requirements for the Project – in particular with respect to the construction or maintenance of the Project. Instead, the Project will be permitted under M.G.L. c. 40B and in accordance with any applicable state or federal law.
§ 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.
§ 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.

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§ 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.
§ 7.4.3	Special Permit Criteria	Criteria applicable to special permits.	Although no special permit is herein sought for the Project, a waiver is sought for this section in its entirety to the extent that the criteria set forth in this section might otherwise be applied to the Project. Instead, the Project will be permitted in accordance with the standards specified in M.G.L. c. 40B and 760 CMR 56.00.
§ 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.

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<u>Belmont Demolition Delay Bylaw (Bylaws of the Town of Belmont, Section 60-320)</u>			
All Sections	Demolition of Buildings Deemed Historically Significant	Regulations regarding the demolition of buildings deemed historically significant.	A waiver is sought for this Bylaw in its entirety to the extent it could be interpreted as applicable to the Project and/or Property. Instead, the Project, including the demolition of any/all existing buildings and other structures will be permitted under M.G.L. c. 40B and in accordance with all applicable state and federal regulations pertaining to the protection of historic buildings/structures.
<u>Belmont Stormwater Management and Erosion Control Bylaw (Bylaws of the Town of Belmont, Section 60-325)</u>			
All Sections	Stormwater Management and Erosion Control	Requirements pertaining to stormwater management and erosion control.	A waiver is sought for this Bylaw in its entirety, including any/all regulations promulgated pursuant thereto. Instead, the Project, including the approval of all stormwater management, will be permitted under M.G.L. c. 40B and in accordance with all applicable State and Federal stormwater management regulations.
<u>Belmont Flammable Fluids, Solids & Gasses Bylaw (Bylaws of the Town of Belmont, Sections 60-500 - 60-510)</u>			
All Sections	Flammable Fluids, Solids, & Gasses	Requirements applicable to flammable fluids, solids, & gasses.	A waiver is sought for this Bylaw in its entirety with respect to the construction of the Project to the extent it differs from or exceeds the requirements of any applicable state or federal law or regulation. Instead, the Project, including the approval of any/all storage/keeping of flammable fluids, solids, & gasses in connection with the construction thereof, will be permitted under M.G.L. c. 40B and in accordance with M.G.L. c. 148 and any other applicable state or federal law or regulation.

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<u>Belmont Noise Bylaw (Bylaws of the Town of Belmont, Sections 60-600 - 60-650)</u>			
All Sections	Noise	Regulations pertaining to noise.	A waiver is sought for this Bylaw in its entirety with respect to the construction of the Project to the extent it differs from or exceeds the requirements of any applicable state or federal law or regulation. Instead, the Project, including any noise associated with the construction thereof, will be permitted under M.G.L. c. 40B and in accordance with any/all applicable state or federal law or regulation.
<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 in its entirety with respect to the construction of the Project to the extent it differs from any applicable state or federal law and/or to the extent it would impose additional permitting requirements for the Project. Instead, the Project, including any work in/on public streets or sidewalks, will be permitted under M.G.L. c. 40B and in accordance with any/all applicable state or federal law or regulation.
<u>Belmont Planning Board Rules & Regulations</u>			
All Sections	Planning Board Regulations	Local rules and regulations with respect to matters under the jurisdiction of the Belmont Planning Board	A waiver is sought for these regulations in their entirety to the extent they differ from M.G.L. c. 40B and any applicable state or federal law, and/or to the extent they would impose additional permitting requirements for the Project. Instead, the project will be permitted under M.G.L. c. 40B and in accordance with any/all applicable state or federal law or regulation.

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<u>Belmont Board of Survey Regulations</u>			
All Sections	Board of Survey Regulations	Local rules and regulations with respect to matters under the jurisdiction of the Belmont Board of Survey.	A waiver is sought for these regulations in their entirety to the extent they differ from M.G.L. c. 40B and any applicable state or federal law, and/or to the extent they would impose additional permitting requirements for the Project. Instead, the project will be permitted under M.G.L. c. 40B and in accordance with any/all applicable state or federal law or regulation.
<u>Belmont Office of Community Development Regulations</u>			
All Sections	Community Development	Regulations, policies, and permitting requirements for various aspects of construction, including, without limitation, debris, demolition, driveways, signs, plot plans, surveyors, pavement, sewers, sidewalks, plumbing/gas/electrical, and planning.	A waiver is sought for any/all applicable Belmont Office of Community Development regulations with respect to the construction of the Project to the extent they differ from any applicable state or federal law and/or to the extent they would impose additional permitting requirements for the Project. Instead, the Project, including the construction thereof, will be permitted under M.G.L. c. 40B and in accordance with any/all applicable state or federal law or regulation.
<u>Belmont Department of Public Works Regulations</u>			
All Sections	Public Works	Local rules and regulations of the Belmont Department of Public Works regarding various aspects of construction in regards to public works, including the permitting of street and trench openings.	A waiver is sought for these regulations in their entirety to the extent they differ from M.G.L. c. 40B and any applicable state or federal law, and/or to the extent it would impose additional permitting requirements for the Project. Instead, the project will be permitted under M.G.L. c. 40B.

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<u>Town of Belmont Planning Board – Design Review Guidelines</u>			
All Sections	Design Review	Local design review guidelines of the Belmont Planning Board.	A waiver is sought for this Bylaw in its entirety to the extent it differs from M.G.L. c. 40B and any applicable state or federal law, and/or to the extent it would impose additional permitting requirements for the Project. Instead, the Project, including the design thereof, will be permitted under M.G.L. c. 40B and 760 CMR 56.00.
<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>