

Waiver Requests

Through the Comprehensive Permit, the Stoneham Board of Appeals has the authority under M.G.L. chapter 40B and its implementing regulations to waive requirements of local bylaws; further, the Board of Appeals can act on behalf of any local permitting authority through the Comprehensive Permit process. The project plans reflect an attempt to minimize the number of waivers requested and we believe reflects a plan that is contextually appropriate on several different levels. Following please find a preliminary table of the waivers necessary to permit the proposed project; the Applicant reserves the right to supplement this list will be updated as necessary as permitting proceeds.

WAIVERS FROM ZONING			
LOCAL REGULATION	REQUIREMENT*	PROPOSED	SIGNIFICANCE/EXPLANATION
1. Chapter 15; 4.2.2 – Permitted Use in Residence A	One family dwelling and accessory garage structure	Three multi-family apartment buildings, one with an integral parking garage as shown, five multi-family townhouse buildings with integral parking garages as shown, one detached parking garage structure as shown, one clubhouse/leasing/sales office building and one maintenance building.	Needed for plan as proposed
2. Chapter 15; 5.2.1 – Table One - Minimum Lot Area per Dwelling	10,000 sf/unit	4,233 sf/u	Needed for plan as proposed
3. Chapter 15; 5.2.1 – Table One – Maximum Building Height	30 feet	62 feet at larger apartment buildings, 35 feet at townhouse buildings and 30 feet at clubhouse building	Needed for plan as proposed
4. Chapter 15; 5.3.7.1 – Space Between Buildings	30 feet	22 feet between Building B and Clubhouse	Needed for plan as proposed
5. Chapter 15; 6.3.3 – Parking Requirement for Multi-Unit Development	2.1/unit	1.65/unit	Needed for plan as proposed
6. Chapter 15; 6.3.4.1 – Parking Space Size	9’x18’	Generally 9’x18’, but columns encroach 1’ into some spaces in Garage C	Needed for plan as proposed

7. Chapter 15; 6.3.4.2 #10 – Parking Layout, Snow Storage	Allow for storage within parking areas	Storage will be handled onsite, not necessarily in parking areas	Needed for plan as proposed
8. Chapter 15; 6.3.5.2 – Parking Screening	4' w x 4' tall screening at all parking areas from adjacent lots	Sufficient screening is provided, as shown on sheet L-1	Parking areas are screened from adjacent residences by 100'+ of natural vegetation with the exception of Weiss residences, where screening is proposed as shown
9. Chapter 15; 6.3.5.1, 6.6.2.1, 6.8.7.1 – Parking Lighting	Minimum 1fc over entire lot, no trespass on street or abutting property	Lighting is provided as shown on sheet L-2	1fc over entire site would be too bright, some spillover occurs at driveway entrance and Weiss abutting homes
10. Chapter 15; 6.3.6 – Driveway Access Permit	Permit required	Permit requested	
11. Chapter 15; 6.3.7.1 – Loading Bay	One required per 25,000 sf of building	None provided	Loading will be done through main and side building entries
12. Chapter 15; 6.7, Table 2 – Number of Signs, Size of Signs	One sign per lot	One primary entry monument sign, one building identification monument sign, four directional monument sign and six building mounted identification signs as shown on the architectural, site and landscaping plans	Needed to identify and market community and to aid in traffic flow
13. Chapter 15; Sec. 6.8.10 – Alteration of Land	Suitably landscape areas of land alteration	Landscaping as shown on plans	To clarify requirement
14. Chapter 15; 6.10 – Land Fill Permit	Permit required	Permit requested	

*To the extent that the plans show work requiring additional waivers not expressly set forth above, these waivers are also requested

WAIVERS FROM LOCAL BY LAWS			
15. Chapter 6; Sec. 6.3-3 – Recycling	Recycling to be separated between “Paper” and “Co-Mingled” items	All recycling materials will be handled through “single stream” recycling where all recyclables are placed into a single container and sorted offsite	All materials are recycled results in higher recycling percentage
16. Chapter 11, Wetland Protection By-Law	No disturbance within 25 feet of a wetland resource area	Allow for the restoration of degraded areas within 25 feet of the wetlands, and allow for pedestrian path to cross through the 25 foot strip.	The site has at least two locations where there are stockpiles of miscellaneous fill adjacent to the wetlands which should be removed. The pedestrian path is necessary to access the property on the opposite side of the wetlands at the existing pedestrian bridge
17. Chapter 13-1 – Streets and Sidewalks, Excavation	Permit required	Permit requested	
18. Chapter 13-15 – Streets and Sidewalks, Street Opening	Permit required	Permit requested	
19. Chapter 13A – Earth Removal	Permit required	Permit requested	
20. Chapter 18; Sec 18-33(f), Comp. Permit Submittal Requirements	Utility Plan including supporting information that utility connections meet federal, state and local regulations	Utility plan provided shows nature and location of all utilities	Level of detail is not required by 760 CMR:56.05
21. Chapter 18; Sec 18-33(k), Comp. Permit Submittal Requirements	Pro Forma	Not provided	Not required by 760 CMR:56.05
22. Chapter 18; Sec 18-33(n), Comp. Permit Submittal Requirements	Environmental Impact Analysis	Not provided	Level of detail is not required by 760 CMR:56.05
23. Chapter 18; Sec 18-33(p), Comp. Permit Submittal Requirements	Statement of Impact on Municipal Facilities and Services	Not provided	Level of detail is not required by 760 CMR:56.05

24. Chapter 18; Sec 18-34 – Filing Fee	\$3,000 base fee plus \$100 per unit proposed	Fee being paid, but waiver requested	In keeping with 760 CMR: 56.05, fee of this magnitude (\$29,400) is not “reasonable” for an affordable housing development.
25. Chapter 20; Secs. 20-28 & 32 – Location and Siting of Dumpster	Location to be submitted for approval	Location shown on Sheet C-2 and approval requested.	To clarify requirement
26. Chapter 20; Secs 20-34 & 35, Board of Health, Dumpster Permit	Permit required	Permit requested	

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