

THORNDIKE PLACE
List of Requested Waivers

As required under 760 CMR 56.05(2)(h), the following is a list of Waivers to “Local Requirements and Regulations,” including waivers from the Bylaws of the Town of Arlington (the “Bylaws”) , including the Town of Arlington Zoning Bylaw, as amended (the “Zoning Bylaw”), and other Local Requirements and Regulations as defined under 760 CMR 56.02 of the Chapter 40B Regulations, including all local legislative, regulatory, or other actions which are more restrictive than state requirements, if any, including local zoning and wetlands ordinances, subdivision and board of health rules, and other local ordinances, codes, and regulations, in each case which are in effect on the date of the Project’s application to the Board. In addition to the following list of requested Waivers below, the Applicant requests an exception from such provision or requirement of all Local Requirements and Regulations issued by a “Local Board” (defined under the Chapter 40B Regulations as means any local board or official, including, but not limited to any board of survey; board of health; planning board; conservation commission; historical commission; water, sewer, or other commission or district; fire, police, traffic, or other department; building inspector or similar official or board; city council, as well as all boards, regardless of their geographical jurisdiction or their source of authority [that is, including boards created by special acts of the legislature or by other legislative action] if such local board perform functions usually performed by locally created boards).

Pursuant to Chapter 40B rules described under 760 CMR 56.05(7), “[z]oning waivers are required solely from the “as-of-right” requirements of a zoning district where the project is located; there shall be no requirement to obtain waivers from the special permit requirements of the district.” Accordingly, any waivers which reference special permit requirements are included only for illustration purposes.

LIST OF WAIVERS/EXCEPTIONS

A. BY-LAWS OF THE TOWN OF ARLINGTON, MASSACHUSETTS (GENERAL BYLAWS)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Title III: Article I, Sections 1 and 2	Use of Streets for Construction or Demolition Materials	Work adjacent to public ways and use of ways to place building materials or rubbish, and related application and fee requirements.	Application, permits from Board of Public Works (or Town Engineer), bond and bond requirements.	Waived, except that Applicant shall comply with all bonding requirements as required by applicable bylaw provisions
Title III: Article I, Section 20	Excavation in Streets and Sidewalks	Work in public ways, excavation and related application and fee requirements	Application, permits and fee.	Waiver of permit and 25% of fees.

<p>Town of Arlington Bylaw, Title V: Article 8 and Town Wetland Protection Regulations</p>	<p>Wetland Protection By-Law; Wetland Regulations of the Town of Arlington Conservation Commission (dated June 4, 2015)</p> <p>Arlington Wetland Protection Bylaw, Section 2 (Jurisdiction); Wetland Regulation, Sections 2(A)(5), 4(3) and 4(7) (Areas subject to jurisdiction under local bylaw/definitions of same)</p>	<p>Local Wetlands Bylaw and Related Regulations and Fees.</p> <p>Wetland Bylaw, Section 2 Wetland Regulations, Section 2(A)(5), 4(3) and 4(7)</p>	<p>Wetland Protection Bylaw, Section 2 – Jurisdiction – includes lands bordering marsh, freshwater wetland, wet meadow, bog, as a resource area protected under Bylaw.</p> <p>Wetland Regulations: Section 2(A)(5) - areas subject to jurisdiction under local bylaw include lands bordering BVW or IVW; Wetland Regulation definitions of AURA (Section 4(3)) and Areas Subject to Protection under Bylaw (Section 4(7)): locally define “AURA” as wetland resource area under Bylaw.</p>	<p>Waiver of Sections 2(A)(5), 4(3) and 4(7) to be granted by the Board from the following: Waiver of AURA as resource area: waiver to be granted as to those portions of the 100 foot buffer to bordering/isolated vegetated wetland (defined locally as Adjacent Upland Resource Area or “AURA”) which are shown within the boundary of the limit of work area depicted on the Project Plans, to allow those portions of buffer area to be graded, completed as compensatory floodplain storage, and/or emergency access, and portion of IL building all as shown on the Project Plans. No alteration to occur within 25 feet of IVW or BVW.</p> <p>For those buffer zone areas to be altered for site grading work, emergency access and/or compensatory storage, Applicant to revegetate same with non-invasive species based on generally accepted industry practice.</p> <p>Replacement vegetation to be governed by landscaping plan included with Final Plans and governed by Comprehensive Permit.</p> <p>As depicted on Site Plans, small portion of exterior emergency access and limited area of subsurface parking/building structure within limited portion of outer AURA. Waiver as to alternatives analysis.</p>
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Thorndike Place (Arlington)

Town of Arlington Wetland Regulations (June 4, 2015)	Section 23	Land Subject to Flooding	Definitions, boundaries, criteria for permitting work within BLSF.	Waived. Limited work in floodplain to be as shown on Project Plans; floodplain compensatory storage shown thereon at ratio of 2:1, including portion of compensatory storage within buffer of vegetated wetland
Town of Arlington Wetland Regulations (June 4, 2015)	Section 24	Vegetation Removal and Replacement	Describes application process for removal of vegetation within resource areas, listing of all species existing and replacement, including specific requirements for deciduous trees, evergreen trees and shrubs.	Waived. For the portions of resource areas where vegetation is to be removed (as depicted on Project Plans/limit of work), Applicant to provide detailed revegetation of all areas not otherwise permanently altered for emergency access road or those portions of southerly side of building within floodplain "fingers" as shown on Project Plans; such revegetation plan to be consistent with generally accepted industry standards
Town of Arlington Wetland Regulations (June 4, 2015)	Section 25	Adjacent Upland Resource Area	Regulates 100-foot buffer zone, intended to allow maximum flexibility for property use while maintain protection under Bylaw	
Town of Arlington Bylaw, Title V (Regulations Upon Use of Private Property): Article 8, Section 11	Bond to Secure Flooding Conditions	Bond	Bond where structure is within 200 feet of existing stream or wetland	Waived.

Thorndike Place (Arlington)

Town of Arlington Bylaw, Title V; Article 8, Section 16.B.11	Wetlands Consultant Fees	Consultant Fees		Waived
Town of Arlington Bylaw, Title V (Regulations Upon Use of Private Property); Article 9	Placement of Dumpsters	Dumpsters or portable storage containers to be granted permit by Select Board	Dumpsters or portable storage containers to be granted permit by Select Board; permit fee of \$24.00	Waived; location of construction dumpsters/portable storage containers to be detailed within Construction Management Plan, to be submitted to Building Inspector prior to issuance of building permit. No waiver sought of \$24 fee.
Town of Arlington Bylaw, Title V (Regulations Upon Use of Private Property): Article 15, Section 1-5	Stormwater Mitigation	Stormwater Management and permitting	Procedures, applications, Engineering Division review and approval, relief from DPW	Waived. Stormwater will be managed in accordance with the MassDEP's Stormwater Policy and Technical Guidance, unless otherwise exempt. Stormwater to also be managed in accordance with a US EPA Stormwater Construction Permit for Massachusetts.
Town of Arlington Bylaw Title V (Regulations Upon Use of Private Property):, Article 16 (Art. 22, ATM 5/2/16).	Tree Protection and Preservation	Requires Tree Warden approval of tree plan prior to site work	Prior to site development, developer to identify those mature trees of diameter of 10" or more within property's legal setback yards. Trees to be removed in setback to be replaced by 2.5' caliper or payment of \$500 replacement tree.	Waived. Comprehensive Permit to include all local approvals; Applicant agrees to submit tree plan to Board prior to issuance of building permit, to designate such trees in setback area of 10" diameter or more, indicating whether replacement by 2.5' caliper tree on site or payment of \$500 to tree fund.
Town of Arlington Bylaw, Title IX: Article 3, Sections 4A, 4B	Town Fees and Charges, Department of Community Safety and Office of Building Inspector.	Fees and charges.	Payment of fees related to fire safety, building permits, plan reviews, occupancy permits, plumbing permit, gas fitting, electrical	Waiver allowing for 25% reduction of fees (reflecting 25% of project as affordable).
Water Connection Fee Regulations	Water Privilege Fee	Fee for water connections		Waiver requested of 25% of fee (reflecting 25% of project as affordable).
Sewer Privilege Fee	Sewer Privilege Fee	Fee for connection to public sewer system		Waiver requested of 25% of fee (reflecting 25% of project as affordable).

B. TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article 4.02	Application	Application of Zoning Bylaw	Except as herein provided, provisions of the [Zoning] Bylaw shall apply to the erection, construction, reconstruction, alteration or use of buildings, structures, use of land.	Waived; erection and construction of 12 residential duplexes and 124-unit independent living structure dwelling together with accessory uses thereto, including without limitation accessory parking (surface and garage), garden area, walking path, landscaping and management/staff office, common areas and commercial kitchen, communal dining room to be governed by Comprehensive Permit Decision.

B. TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article 5, Sections 5.03, 5.04	Use Regulations	Uses subject to other regulations and Table of Use Regulations (Section 5.04)	<p>Table at Section 5.04 permits as of right residential uses in PUD District: single-family detached and two family, duplex house.</p> <p>Other residential uses in PUD District, including three-family; six or more units in duplex/two-family on contiguous lots; apartment house; dormitory; licensed lodging house; rehabilitation residence; hotel/motel; townhouses are permitted via special permit.</p>	<p>No Waiver required.</p> <p>Project, as modified, includes 6 duplex buildings (12 homeownership units) and a 124-unit Independent Living apartment building (defined as Apartment House under Bylaw) principal use, with residential accessory uses (Accessory uses of off-street parking and private garage, garden/lawn, accessory management/leasing office/staff office, community spaces (library/lounge/activity rooms) and fitness facility permitted accessory</p> <p>Apartment house is allowed in PUD via special permit under Section 5.04- Table of Uses, §1.05.</p>

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				(cont.)
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
ARTICLE 6 – GENERAL REGULATIONS				
Article 6, Section 6.00 – Table of Dimensional and Density Regulations	Dimensional and Density Regulations	Table of Dimensional and Density Regulations	Regulates minimum lot size, frontage; maximum floor area; maximum lot coverage; min. lot area, lot depth (front, side and rear); maximum heights, minimum landscaped areas and usable open space.	Waived to allow Project to be constructed in accordance with dimensional requirements of zoning ordinance in PUD district except as waived herein and depicted on approved plans described within Comprehensive Permit decision.
Article 6- Table of Dimensional and Density (Section 6.00) (p.63 of Zoning Bylaw), and Sections 6.07, 6.12(d)(1) and 6.12(d)(2),6.28	General (Dimensional and Density) Regulations and Table; Buildings in Floodplain, Exceptions (Bonus) to Gross Floor Area Planned Unit Development Yards and Setbacks	Dimensional regulations within PUD District for lot size, floor area ratio, lot coverage, minimum yard requirements, height in PUD district; floor area density bonus for lots over 20,000 sf or for low-to-moderate income housing	PUD dimensional requirements under Table of Dimensional and Density Requirements (Section 6.00): <ul style="list-style-type: none"> • Front, Side Rear Yards – 25’ setback per Section 6.28. 	Waiver sought for front yard setback along Dorothy Road and rear yard: <ul style="list-style-type: none"> • Front yard setback of 20 feet for duplexes along Dorothy Road. • Rear yard setback associated with SW corner of IL building is 18.7 feet from rear yard, due to shape of lot. No adjacent buildable land is impacted.
Article 6- Section 6.07	Buildings in Floodplains	Dimensional and density regulations apply to buildings in floodplain together with additional regulations of Section 11.04	Includes regulations within Section 6 and Section 11.04, which includes a special permit approval process	Waived to the extent Section 11.04 requires special permit procedure and standards; project to be governed by Comprehensive Permit.

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				(cont.)
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 6, Section 6.30	Open Space Regulations for Planned Unit Developments	Sets out minimum open space within PUD district for apartment uses	Minimum open space for apartments in PUD district is 10% landscaped/10% usable open space.	Waived as to percent of “usable open space” under Section 6.30, as such term is defined under Article 2 definition. Usable open space (<10%), as shown on Project Plans. Future trails as may be developed on open space area will also available to residents as is access path around southern side of building, both of which to be less than 25 feet in width.
Article 7, Sections 7.06 and 7.073	Signs Permitted in any B, I or PUD District	Allows for one sign for each street or parking lot frontage. No more than 2 permanent signs for any one business or industrial establishment. Allows for one directory sign of occupants/tenants. Allows for one	One sign for each street/parking lot frontage. Two permanent signs per business.	Accessory entry sign at main access drive, with additional signage to: direct residents/guests to main entrance (freestanding); direct to parking garage (freestanding); canopy sign above entrance to Independent Living building, together with wayfinding signage
<u>ARTICLE 8 – OFF STREET PARKING AND LOADING</u>				

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				(cont.)
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 8, Section 8.01	Off Street Parking Requirements	Establishes number of off-street parking required per use	<p>Section 8.0: One space per efficiency; 1.15 per one-bedroom unit; 1.5 per two-bedroom unit; and 2 per three-bedroom unit. Per Zoning Bylaw, Assisted Living requires .4 parking spaces per unit; Arlington zoning bylaw has no established parking ratio for Independent Senior Living.</p> <p>Section 8.01: Allows for up to 25% reduction via special permit in parking in multifamily zones (R5, R6) where 3 TDMs or more are proposed</p>	<p>Waived; to allow for 96 total parking spaces for Independent Living as shown on Project Plans, which includes 12 exterior parking spaces and 84 garage parking spaces. [96 spaces of IL parking amounts to parking ratio of .77 space/unit. Parking supply satisfies standards of ITE Parking Manual, 5th edition for Use Code 252.</p>
Article 8, Section 8.12.(11)	Parking/Loading space standards	Allows up to 20% of parking spaces to be compact by special permit	Allows up to 20% of parking spaces to be compact by special permit	<p>Waived - to allow up to 24 compact spaces (designed as 8.5' x 18') in garage parking (approx. 25% of total parking.</p> <p>Note 1: The "compact" spaces per the project plans are compact only as to width (8'), but provide the length (18') as if a standard space.</p> <p>Note 2: The project's garage parking also provides surplus HC spaces (8 garage spaces) together with 2 exterior HC spaces, to accommodate elder drivers.</p>
ARTICLE 10: ADMINISTRATION AND ENFORCEMENT				

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				(cont.)
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 10, Section 10.02	Permit Required	Permits issued only in compliance with zoning bylaw.	No permit shall be issued if the building, structure or lot as constructed or used would be in violation of any provision of the Bylaw	Waived - Construction and use of buildings and land be in accordance with the Comprehensive Permit decision.
ARTICLE 11 SPECIAL REGULATIONS				
Article 11, Section 11.04(a)-(g)	Floodplain District	Governing regulations and special permit review by ZBA/ARB	Permit required for specific uses and structures; seeks to require compliance with Sections 11.04 and 11.05 of Bylaw and Wetlands Protection Bylaw (Title V, Art. 8 of Town Bylaws), in addition to State Law (MGL 131, 40) and State Regulations (310 CR 10.00) and State Building Code. Establishes special permit process for new buildings or earth movement in floodplain.	Waived for special permit process/environmental design review and waiver of application of local wetlands bylaw (Title 5 of Article 8), rules or regulations and Section 11.05 of Zoning Bylaw. Project to be governed by Comprehensive Permit.
Article 11, Section 11.05(b), (d), (e), (f)	Inland Wetland District	Permit required for specific uses and structures.	Special Permit required for specific uses and structures.	Waived. To extent portions of property are within district, waiver given as Project governed by Comprehensive Permit. (Included for informational purposes - per ch. 40B, waivers are not required for special permit uses).

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				(cont.)
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 11, Section 11.06(b), Section 11.06(c), Section 11.06(d), and 11.06(e) and 11.06(f)	Environmental Design Review	Environmental design review and standards for projects including six or more dwelling units (11.06(b)(1)(b) or use within a PUD (Section 11.06(b)(2).	Uses subject to Section 11.06(b) may be allowed subject to special permit upon application to ARB to include materials set out in Section 11.06(d) as well as certified land surveyor survey plan of land and corner points of lot to be marked by monument or other physical demarcation. Before special permit to issue, public hearing before ARB. Review standards as contained in Section 11.06(f).	Process Waiver - Environmental Design Review (EDR), special permit application submittal, standards, procedures and hearings before ARB. Waived including waiver from adherence to EDR submittal requirements of Section 11.06(d) and review standards of Section 11.06(e)/(f). Waiver of sign applications; signage to be depicted on final approved site plans, with exception of temporary construction signage as approved by Building Official from time of commencement of project to completion of construction. Project to be governed by Comprehensive Permit decision.
Article 11, Section 11.08	Affordable Housing Requirements	Affordable housing requirements for projects including six or more residential units under Section 11.06	Requires 15% of new residential units be Affordable Units (as defined in Zoning Bylaw, Section 11.08), or contribution to Affordable Housing Trust Fund, by allowance of ARB	Waiver to the extent Section 11.08 varies or is not consistent with Chapter 40B, its regulations and the rules and policies of DHCD and MassHousing. Applicant's project is subject to affordable housing requirements as contained in M.G.L. c.40B and its regulations under the New England Fund Program of Home Loan Bank of Boston, in accordance with Site Approval given by MassHousing and Regulatory Agreement approved by the State. Project to provide 25% of units to be available to low and moderate income families (80% AMI)

ZONING BOARD OF APPEALS OF TOWN OF ARLINGTON COMPREHENSIVE PERMIT REGULATIONS				
REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section 3.1, 3.2	Application and Documentation	Application contents	Complete application filed upon submittal of documentation of Section 3.0	Waiver of certain submission requirements beyond the scope and requirements of 760 CMR 56.00 at time of initial filing; additional documentation and information was submitted to Board within public hearing process. .