

**Updated Waiver Request - Town of Winchester Bylaws**

<b>LOCAL REGULATION</b>	<b>REQUIREMENT</b>	<b>PROPOSED</b>	<b>COMMENT</b>
1. Use Regulations. Table of Principal Uses (3.0)	Apartments not allowed in the RDA-20 Zone	Multi-family apartment use	
2. Table of Dimensional Requirements (4.1.1) side & rear yards	20 feet	19'4" to the building with a minimum distance of 16' to a bump out (e.g. bay window, balcony)	
3. Table of Dimensional Requirements (4.1.1) minimum % Open space	75% open area	72 % open area	
4. Table of Dimensional Requirements (4.1.1) maximum building height	2.5 stories; 40 feet	4 stories; 63' 0"	1' 6" less than original waiver request
5. Table of Off-street Parking Requirements (5.1.3)	2 spaces /unit in RDA-20 zone	1.52 spaces/unit	96 units & 146 parking spaces
6. Loading Bays (5.2.2)	Multi-family Apartment uses ( Group I, Item #6 in the Table of Uses) are not exempt from loading bay requirements, according to this section (5.2.2) but in the Table of Off-Street Loading Facilities in the same section (5.2.2) multi-family apartments are not shown as a use which requires them.	No loading bays are proposed, but it is not clear to the applicant whether a waiver is actually necessary	An area of the back of the property has been provided to help accommodate occasional truck unloading
7. General Bylaw Chapter 13, Winchester Wetlands Bylaw (Section 1(e))	Jurisdiction extends to work in any area consisting of "poorly drained soil" as described by the National Cooperative Soil Survey"	Waiver requested as the requirement and additional jurisdiction is inconsistent with state law.	The Applicant does not believe this waiver is necessary as there are no jurisdictional wetlands in Winchester.
8. Rules and Regulations Regarding the Use of Public Sewers and Storm Drains in the Town of Winchester, Massachusetts (Section 6.2 & 6.3)	Requires projects to be designed to match the pre- and post stormwater volume	Request comprehensive permit in lieu of local approvals which may be required to obtain a local approval of sewer and stormwater program where the local requirement conflicts with state standards and law	These sections of the Rules and Regulations require Applicants to abide by drainage design standards that exceed State and Federal requirements. Strict adherence would negatively impact the project by severely limiting the area available for development. Additionally, the project, as proposed, shall have no detrimental impacts on the surrounding neighborhood as demonstrated in the calculations submitted to Weston & Sampson as part of the peer review process..
9. Special Provisions for the Construction of Roadways including the Installation of Water, Sewer and Drains in the Town of Winchester		Regulations don't apply as the proposal is not a sub-division	Weston & Sampson Engineers peer reviewed the plan set for compliance with Town Standards. Construction details, included in the plan set, were approved by W&S. The details illustrate the construction methods and materials proposed for the project. The applicant would expect that the approved permit would reference the plan set submitted, reviewed and approved as part of this Comprehensive Permit process.
10. General Bylaw Chapter 18, Public Shade Trees		The Applicant asks that the ZBA act in place of the Board of Selectmen relative to this provision	This provision relates exclusively to a single shade tree that straddles the right-of-way along the Wainwright Road side of the property.