

Waiver Requests as of June 11, 2019

Through a Comprehensive Permit, the Winchester 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. Please find a revised table of the waivers necessary to permit the proposed project.

WAIVERS FROM ZONING BYLAW OF THE TOWN OF WINCHESTER			
LOCAL REGULATION	REQUIREMENT	PROPOSED	COMMENT
1. Section 3.1 - Table of Use Regulations <ul style="list-style-type: none"> Apartment House 	Use(s) not allowed in the Limited Light Industrial (IL) Districts	Waiver granted to allow the Multifamily Dwelling, Accessory Uses, Leasing offices, covered parking and Semipublic Indoor and Outdoor Amenity areas.	Multi-family building proposed.
2. Section 4.1.1 Table of Dimensional Requirements <ul style="list-style-type: none"> Minimum Front Yard Minimum Percentage (%) Open Space Maximum Building Height (stories) Maximum Building Height (feet) 	Dimensional Requirements in the IL District.	Waiver granted for Dimension regulations to allow less than Minimum Front Yard, and Minimum % Open Space and greater than Maximum Height (stories), and Maximum Height (feet).	Front Yard = 11.0 feet Open Space = 49.7% Building Stories = 5 stories Building Height = 70.13 feet
3. Section 4.1.2 Notes to Dimensional Requirements p. Minimum Yard adj. to Residential District	The 25-foot minimum yard requirement shall be kept in its natural state where wooded, and, when its natural vegetation is sparse or nonexistent, a year-round visual screen shall be required. No principal or accessory structure, nor any off-street parking, driveways, loading areas or other use shall be permitted in the buffer area.	Waiver granted for 25-foot minimum yard requirement buffer area.	Proposed site is lower than surrounding residential areas and retaining wall will act as screen for parking areas.
4. Section 4.2.1 Floor Area Ratio Maximum Floor Area Ratio (1.0) for the IL District	The maximum Floor Area Ratio (FAR) is computed by dividing the total floor area, based on the outside dimensions at each story, of all buildings on the lot by the total area of the lot.	Waiver granted to allow a FAR greater than the maximum allowed in an IL District.	Proposed FAR = 1.40
5. Section 5.1.3 – Table of Off-Street Parking Requirements <ul style="list-style-type: none"> Mid-rise Apartments 	Mid-rise Apartments are required to provide 2 parking spaces per dwelling unit.	Waiver granted to allow Mid-rise Apartments a parking ratio of less than 2 parking stalls per Dwelling unit.	1.53 parking stalls per unit provided
6. Section 5.1.6. – Design of All Off-Street Parking Facilities 3. Minimum Parking Stall Depth	Stall depth shall be at least 19 feet for all angled parking.	Waiver granted to allow a stall depth of less than 19' for all angles parking.	Parking stall depth of 18' is provided.

<p>7. Section 5.1.6. – Design of All Off-Street Parking Facilities 6. Parking space provided without requiring the moving of any other car.</p>	<p>Parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle. The Board of Appeals, however, may by special permit modify this requirement, and the dimensional requirements of paragraphs 2 through 5 of this Section 5.1.6 where a parking facility is under full-time attendant supervision.</p>	<p>Waiver granted to allow parking facilities be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle without a full-time attendant supervision.</p>	<p>Parking Lifts have been provided for limited number of internal parking spaces.</p>
<p>8. Section 5.1.6. – Design of All Off-Street Parking Facilities 11. Vehicles parking within required setbacks</p>	<p>In all districts, barriers shall be provided to prevent motor vehicles from being parked within required setback areas, or beyond the boundaries of the lot where no setback is required.</p>	<p>Waiver granted to exclude barriers to prevent motor vehicles from being parked within required setback areas.</p>	<p>Parking is provided within the front side and rear yard setbacks.</p>
<p>9. Section 5.1.7. – Lighting and Screening of Parking Facilities 5. Vehicles parking within 10 feet of a building.</p>	<p>No stall shall be located within 10 feet of that part of a building having windows of habitable rooms at the basement or first story level, except as permitted in paragraph 5 of Section 5.1.9.</p>	<p>Waiver granted to allow parking stalls be located within 10 feet of that part of a building having windows of habitable rooms at the basement or first story level</p>	<p>Parking is provided within 10' of habitable space of the building.</p>
<p>10. Section 5.1.9 Drainage of Parking Lots • 7. Interior Parking Lot Landscaping</p>	<p>At least two (2) percent of the interior of a parking lot with 21 or more parking spaces shall be planted and continuously maintained. Planting along the perimeter of a parking area, whether for required screening or general beautification, shall not be considered as part of the two (2) percent interior planting. The planting shall be distributed throughout the parking area and shall include trees as well as other plant material. Existing trees shall be preserved where possible. No planting bed shall have a width of less than three (3) feet.</p>	<p>Waiver granted to allow a parking lot interior areas to have less than 2% planted.</p>	<p>Less than 2% of parking lot is planted.</p>
<p>11. Section 5.4.11 Outdoor Lighting – Hours of Operation</p>	<p>Outdoor lighting shall not be illuminated between 11 p.m. and 6 a.m.</p>	<p>Waiver granted to allow outdoor lighting between 11 p.m. and 6 a.m.</p>	<p>Outdoor parking areas to be illuminated at all times for the safety of the future residents, but lighting will comply with Town “spill over” requirements.</p>

12. Section 6.3.1 Earth Removal - General	Removal from the premises of sod, loam or soil and removal of all other earth products is prohibited except under a special permit for an exception granted by the Board of Appeals subject to the applicable provisions of Section 9.4 of this Bylaw, and subject to the following conditions:	Waiver granted to allow earth removal without a special permit.	There will be earth removal from the site which will conform to all applicable state and federal requirements.
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By requesting the foregoing waivers from local bylaws and regulations, it is the intention of the Applicant to request a Comprehensive Permit to permit construction of the Project as shown on the Plan. If, in reviewing the Applicant's building permit application(s), the Building Commissioner determines that any additional waiver from local bylaws or regulations is necessary to permit construction to proceed as shown on the Plan, the Applicant requests that the Building Commissioner proceed as follows: The Applicant shall be informed of any additional waiver required and (a) any matter determined by the Building Commissioner to be of a de minimus nature shall be deemed within the scope of the waivers granted by the Comprehensive Permit; or (b) for any matter determined by the Building Commissioner not of a de minimus nature, including but not limited to potential adverse impacts on public health, safety, welfare or the environment, Applicant may submit a request to the Board for a determination under 760 CMR 56.05(11).