

**Eaton-Lakeview Residences
Final List of Waiver Requests from
Local Zoning Bylaws and Town Bylaws
40B Comprehensive Permit Application**

Waiver List Based Upon Revised Plans Dated February 20, 2019

The list below identifies the required waivers necessary from applicable local bylaws and regulations, based on the Preliminary Site Plans, in order to construct the project (the "Project") which is the subject of the application. This list is subject to modification based on the advancement of project design and permitting and shall be deemed to include all other waivers from local bylaws and regulations required to construct the Project in accordance with the final plans.

1. Zoning ByLaws, Town of Reading			
Section	Subject	Requirement	Requested Waiver/ Applicability
A. Article IV. Administration			
Section 4.6.0	Site Plan Review	Site Plan Review process and rules, as administered by the Community Planning & Development Commission (CPDC)	A waiver is being requested for these rules and regulations in its entirety. Project site plan will be developed in accordance with the Massachusetts Comprehensive Permit (40B) regulations. Proposed project development (including site plan) to be subject to approval by ZBA as part of the Comprehensive Permit.
B. Article V. Use Regulations			
Section 5.3.1	Table of Uses for Business and Industrial Districts	In accordance with the Table of Uses, a multi-family dwelling is a prohibited use in the industrial (IND) district, or in the Planned Unit Development-Industrial (PUD-I) overlay district.	The current zoning for a portion of the development site (IND district and PUD-I overlay district) excludes any residential use as a matter of right. The proposed use is twofold (a) a multi-family rental project with 3 buildings, and (b) a twelve unit home ownership condominium project; both of which include associated parking and recreational areas. . Developer requests a waiver to allow multi-family residential uses in these districts, as shown on the submitted plans.
Section 5.3.2	Table of Uses for Residence Districts	Multi-family dwellings are a prohibited use in the Residence Single Family S-15 (RES S-15)	A portion of the development site is located in the RES S-15 district. Residential uses in this district are limited to

		district.	single family dwellings (as of right). The proposed use is twofold (a) a multi-family rental project with 3 buildings, and associated parking and (b) a twelve unit home ownership condominium project and recreational areas. Developer requests a waiver to allow multi-family residential uses in this district as shown on the submitted plans.
Section 5.4	Accessory Uses	Subject to all limitations and in accordance with all conditions set forth in the Zoning Bylaw, accessory uses, buildings and other structures shall be permitted on the same lot as the principal use, building or structure to which they are accessory, provided that they do not alter the character of such principal use, building or structure.	A waiver is being requested for the rules and regulations set forth in Section 5.4 in its entirety. The proposed development calls for residential use with accessory uses/structures consisting of associated parking and recreational areas . Project site plan (including all proposed uses) will be developed in accordance with the Massachusetts Comprehensive Permit (40B) regulations. Proposed project development (including all proposed uses) to be subject to approval by ZBA as part of the Comprehensive Permit.
Section 5.5	Accessory Buildings or Structures	The requirements shall apply to any accessory buildings or structures permitted in accordance with the Table of Uses (Section 5.3.1 and Section 5.3.2). See also Section 5.4.6.	A waiver is being requested for the rules and regulations set forth in Section 5.4 in its entirety. The proposed development calls for residential uses with accessory uses/structures including associated parking, bike and storage areas, recreational areas, and dumpsters.. Project site plan (including all accessory structures) will be developed in accordance with the Massachusetts Comprehensive Permit (40B) regulations. Proposed project development to be subject to approval by ZBA as part of the Comprehensive Permit.
Section 6.2.7	Buildings per Lot	In all districts other than Apartment 80 and Business C, not more than one principal	Three (3) principal buildings are proposed on Lot B (located in the RES S-15, IND, and PUD-I districts).

		<p>building shall be erected on a lot. Where two or more principal buildings are permitted on the same lot, they shall be located at least fifty (50) feet apart.</p>	<p>Four (4) principal buildings are proposed on Lot A (located in a RES S-15 district). Minimum distance between the principal buildings on Lot B approximately 40 feet. Minimum distance between the principal buildings on Lot A is 18.3'. Developer requests a waiver to allow for proposed project as shown on the submitted plans.</p>
Section 6.3	Table of Dimensional Controls - Generally	Dimensional controls based on use of property and zoning district	<p>The developer requests a waiver from this section in its entirety to the extent it would apply individually to each of the 6 lots comprising the property that is the subject to this application. Instead, the 3 lots comprising Lot A and the 3 lots comprising Lot B (both as shown on the submitted plans) will be combined and considered together as two lots, i.e., Lot A and Lot B, as shown on the submitted plans (see Zoning Table on Drawing C1.1).</p> <p>The developer also requests a waiver from the dimensional requirements of the IND and PUD-I zoning districts, to the extent they would apply to this project and the proposed multi-family use, which is not permitted in either of these districts.</p>
Section 6.3	Table of Dimensional Controls - Minimum Area	Multi-family dwelling use in a Residence S-15 District requires 100,000 square feet minimum for lot area.	<p>Lot area for Lot A is approximately 74,520 square feet which is less than the minimum required area for multi-family dwellings in the RES S-15 district.</p> <p>Lot area for Lot B is approximately 114,156 square feet, of which approximately 65,600 square feet is within the RES S-15 district and the remainder is within the IND and PUD-I districts. Note: No minimum lot area requirements apply to the IND or the PUD-I districts.</p> <p>Developer requests waivers</p>

			to allow for proposed project as shown on the submitted plans.
Section 6.3	Table of Dimensional Controls- Required Front, Side, and Rear Yards	<p>Multi-family dwelling use in a Residence S-15 District requires the following minimum setbacks:</p> <p>Front Yard: 20 feet</p> <p>Side Yard: 15 feet</p> <p>Rear Yard: 20 feet</p>	<p>The developer requests waivers from the yard/setback requirements of this Section to allow for proposed project as shown on the submitted plans, with the following setbacks for Lots A and B (see waiver for Section 6.3 (generally)):</p> <p>Lot A: Front Yard: 6.2 feet Side Yard: 37.9 feet Rear Yard: 71.2 feet</p> <p>Lot B: Front Yard: 17.0 feet Side Yard: 58.2 feet Rear Yard: 82.2 feet</p> <p>Note: no front yard setbacks are applicable to multi-family dwelling use in the IND or PUD-I districts because this use is not a permitted use. A waiver has been requested from Section 5.3.1 to allow this use in the IND and PUD-I districts.</p>
Section 6.3	Table of Dimensional Controls – Max Lot Coverage	Multi-family dwelling use in a Residence S-15 District requires maximum lot coverage of 25%.	<p>The developer requests a waiver from this section to allow lot coverage of 39.2% for Lot A and 67.5% for Lot B as shown on the submitted plans.</p> <p>Note: no lot coverage requirements are applicable to multi-family dwelling use in the IND or PUD-I districts because this use is not a permitted use. A waiver has been requested from Section 5.3.1 to allow this use in the IND and PUD-I districts.</p>
Section 6.3	Table of Dimensional Controls- Max Building Height	Multi-family dwelling use in a Residence S-15 District requires maximum building height of 35 feet, as measured from the average grade around the building.	Principal multi-family dwellings on Lot B are proposed with a maximum height of 46 feet for Building 3, a maximum height of 33 feet for Buildings 1 & 2, and a maximum height of 40 feet for the 4 condominium buildings on Lot A. Developer

			<p>requests a waiver to allow for proposed project as shown on the revised plans.</p> <p>Note: no height requirements are applicable to multi-family dwelling use in the IND or PUD-I districts because this use is not a permitted use. A waiver has been requested from Section 5.3.1 to allow this use in the IND and PUD-I districts.</p>
Section 6.4	Special Cases- Transitional Areas	Additional dimensional controls (Sections 6.1.4.1.1 & 6.4.1.2) and buffer strip requirements (Section 6.4.1.3)	The proposed project is partially situated in the IND district. The portion of the project located in the IND district includes part of two principal buildings that will be located less than 150 feet from the RES S-15 district. The developer requests a waiver from this section's (a) additional dimensional controls and (b) requirement that a buffer strip be established for this project. Developer requests that the proposed project be allowed as shown on the submitted plans.
Section 6.5	Landscape Standards	Landscape requirements and CPDC approval process	A waiver is being requested for the rules and regulations, and the CPDC approval process, as set forth in this section in its entirety. Project site plan (including landscaping plan) will be developed in accordance with the Massachusetts Comprehensive Permit (40B) regulations. Proposed project development (including landscaping plan) to be subject to approval by ZBA as part of the Comprehensive Permit.
C. Article VIII. Sign Regulations			
Section 8.0	Sign Regulations	Signs perform important functions in the community such as communicating messages and providing information about goods and services available. Because signs potentially have detrimental impacts on the visual and perceptual	A waiver is requested for the rules and regulations set forth in this section in its entirety to permit signage located and as depicted on the revised plans. Project site plan (including signage) will be developed in accordance with the Massachusetts Comprehensive Permit (40B) regulations. Proposed project

		environment, signs must be regulated.	development (including signage) to be subject to approval by ZBA as part of the Comprehensive Permit.
D. Article IX. Parking			
Section 9.1.1.7	Off-Street Parking and Loading and Unloading Requirements	Off-street parking areas, or loading and unloading areas shall be provided in the amounts and subject to the dimensional requirements set forth in this section. Where the computation of required spaces results in a fractional number, a fraction, or one-half or more shall be counted as one. In the event of a conflict of interpretation as to the category of the principal use, the Board of Appeals shall determine the proper interpretation.	<p>The minimum number of required off-street parking spaces under this Section is 2.0 spaces for each townhouse dwelling unit and 1.5 spaces for each apartment dwelling unit. For Lot A (townhouses), the project proposes 25 total parking spaces (12 garage parking spaces and 13 surface parking spaces), one of which is accessible. This complies with the requirement of 2.0 parking spaces per townhouse unit. For Lot B (apartments), the project proposes 104 surface parking spaces, of which 6 are accessible and 27 are compact (8'x18'). A waiver is requested for this Section to allow 104 parking spaces to be built on Lot B, as shown on the project plans.</p> <p>The minimum number of loading and unloading spaces required is one (1) per each twenty (20) rental units and zero (0) for townhouse units. No specifically dedicated loading and unloading spaces have been provided for Lot A. One dedicated loading zone has been provided for near the southwesterly corner of Lot B. In addition, four (4) parking spaces on the easterly side of Building 3 on Lot B are shown on the submitted plans as "18x36 Live Loading Area." This Live Loading Area can be temporarily restricted by management during daytime hours, as needed, to allow for loading and unloading, and at all other times will be available for parking. The Parking and Loading Regulations Plan filed by the developer will regulate how management can coordinate</p>

			<p>move-ins/move-outs during the day when fewer residents are at home by designating the Live Loading Area as a secondary loading zone during daytime hours if and when needed.</p> <p>Developer requests a waiver to allow for proposed project as shown on the revised plans.</p>
Section 9.1.2	Off-Street Parking and Loading Design	Design criteria for off-street parking and loading areas (viz.: "Each required off-street surface parking space shall be not less than nine (9) feet in width and eighteen (18) feet in length, exclusive of drives and maneuvering space.")	For Lot B (apartments), the project proposes 104 surface parking spaces, of which 27 (26%) are compact spaces with dimensions of 8'x18'. A waiver is requested for this Section to allow the dimensions of the 27 compact spaces as shown on the project plans.
E. Article X. Overlay Districts			
Section 10.1	Floodplain Overlay District	The Floodplain District is established as an overlay district. The Floodplain District includes all special flood hazard areas within the Town of Reading designated as Zone A and AE on Middlesex County Flood Insurance Rate Maps (FIRM) issued by Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.	A portion of the project site is located in the AE FEMA flood zone, so that portion of the site is within the Floodplain Overlay District. A waiver is requested for the rules and regulations of this section in its entirety. Project site plan (including floodplain issues) will be developed in accordance with 40B regulations, as well as any/all state/federal floodplain regulations as may apply. Proposed project development to be subject to approval by ZBA as part of the Comprehensive Permit.
F. Article XI. Planned Development			
Section 11.1	Planned Unit Development	The purpose of this Section is to encourage the construction of Planned Unit Developments (PUDs) in the designated districts within the Town. PUD shall 1) Permit a mix of land uses, densities and building types in one development; 2) Facilitate high quality, integrated planning of large-scale developments beneficial to the Town and	A small portion of the project site is located in the PUD-I overlay district (separated from the remainder of that district by the Walker's Brook), with the remainder located in the RES S-15 district. A waiver is being requested for these rules and regulations in its entirety. Project site plan will be developed in accordance with the Massachusetts Comprehensive Permit (40B) regulations. Proposed project development to be subject to

		constructed in a manner which is highly responsive to specific sites and their surroundings; 3)Require more rigorous development standards.	approval by ZBA as part of the Comprehensive Permit.
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2. General ByLaws, Town of Reading			
Section	Subject	Requirement	Requested Waiver/ Applicability
A. Article VII. Regulations on the Use of Private Land			
Section 7.1	Wetlands Protection Bylaw	The purpose of this bylaw is to protect the floodplains and wetlands of the Town by controlling activities deemed to have a significant effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution prevention, fisheries, wildlife habitat and wildlife.	<p>A waiver is being requested for this section in its entirety. If not for Chapter 40B, this section would have application to the project due to improvements in areas designated as wetlands resources. In particular, this section creates and defines (a) a 100-foot wetlands buffer zone, (b) areas classified as Bordering Land Subject to Flooding (BLSF), and (c) Town of Reading Riverfront Areas. See discussion below of the Reading Wetlands Protection Regulations for the extent of proposed improvements in these areas.</p> <p>Project site plan (including all wetland protection issues) will be developed in accordance with the Comprehensive Permit regulations (M.G.L. c. 40B), the Wetlands Protection Act (M.G.L. c. 131, § 40 and regulations thereunder), and any/all other applicable state and federal wetlands regulations. Proposed project development (including all wetland protection issues, including issues arising under the local Wetlands Protection Bylaw) to be subject to approval by ZBA as part of the Comprehensive Permit.</p>
B. Article VIII. Public Order			
Section	Subject	Requirement	Requested Waiver/ Applicability
Section 8.1.7	Driveway Permits Required	No person shall make or construct or reconstruct or modify a driveway or other	Developer is requesting a waiver from this provision. Proposed project

		means of access or exit for motor vehicles onto a public way or across a sidewalk, unless he has first obtained a permit therefore issued by the Director of Public Works	development (including all traffic issues) to be subject to approval by ZBA as part of the Comprehensive Permit.
Section 8.3.2	Fire Lanes	Fire lanes to be designated by Board of Selectmen	Developer is requesting a waiver from this provision. Proposed project development (including all issues relating to fire lanes and emergency access) to be subject to approval by ZBA as part of the Comprehensive Permit with recommendations of the Reading Board of Selectmen and Fire Department.

1. Wetlands Protection Regulations, Town of Reading			
Section	Subject	Requirement	Requested Waiver/ Applicability
All	Wetlands Protection Regulations	<p>The citizens of the Town of Reading, Massachusetts, through Town Meeting action, gave the Reading Conservation Commission the power to regulate and protect wetlands and floodplains by adding Section 7.1, Wetlands Protection, to the Reading General Bylaw. This Amendment to the Town Bylaw was approved by the Massachusetts Attorney General on February 29, 1980.</p> <p>Current wetlands regulations for the Town of Reading were promulgated in November of 2012 by the Reading Conservation Commission pursuant to Section 7.1 of the Reading General Bylaw.</p>	<p>A waiver is being requested for these rules and regulations in their entirety. If not for Chapter 40B, these regulations would have application to the project due to improvements in areas designated as wetlands resources.</p> <p>Specifically, Section 2(C)(3) creates and regulates a 100-foot buffer zone around wetlands. Section 3(D)(1-2 & 4) provides for a 25-foot no-disturb Zone of Natural Vegetation (ZNV) and a 35-foot (or greater) no-build area around protected wetlands resources. Section 3(E) regulates bordering land subject to flooding (BLSF). Section 3(G) creates and regulates a 200-foot Town of Reading Riverfront Area (which is defined to include a river "deemed to be a manmade canal in Reading"), and provides that work within such area is subject to performance standards of 310 CMR 10.58. Section 3(I) regulates side slopes within 100 feet of wetlands.</p>

			<p>The project has been designed to respect local wetlands protections as much as is feasible, and thus it includes only minor improvements in designated wetlands areas. Specifically, the project does not propose any activity within the 25-foot no disturb ZNV (§§ 3(D)(1-2 & 4)). Improvements (grading, stormwater management, retaining walls, sewer related utilities, light poles, paving and installation of guardrails) (but not construction of residential buildings) are proposed within the 35-foot no build area (§ 3(D)(4)). Filling of BLSF (§ 3(E)) is proposed in areas to be improved by retaining walls and a portion of Unit 12 (Lot A) and deck and stairs of same, and filling of earth in various locations. In addition, much of the project is located in the 100-foot wetlands buffer zone (§ 2(C)(3)) and the 200-foot Town of Reading Riverfront Area (§ 3(G)). Applicant is requesting a waiver of the performance standards for the Riverfront Area under Section 3(G) of the Reading Wetlands Regulations, including application of performance standards referenced in that section.</p> <p>The project site plan (including all wetland protection issues) will be developed in accordance with M.G.L. c. 40B, the Wetlands Protection Act (M.G.L. c. 131, § 40 and regulations thereunder), and any/all other applicable state and federal wetlands regulations. Proposed project development (including all wetland protection issues) to be subject to approval by ZBA as part of the Comprehensive Permit.</p>
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