

**Anticipated Waiver Requests from  
Local Zoning Bylaws and Town Bylaws  
40B Comprehensive Permit Application  
23 Lakeview Avenue, Reading, MA**

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 a multi-family condominium project with 3 buildings, a community hall, associated parking and playground area centrally located. Developer requests a waiver to allow multi-family residential use 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) district.	A portion of the development site is located in the RES S-15 district. Residential uses in this district are limited to single family dwellings (as of right). The proposed use is a multi-family condominium project with 3 buildings, a community hall, associated parking and playground area centrally located. Developer requests a waiver to allow multi-family residential use 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 a community hall, associated parking, and playground area centrally located. 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	<p>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).</p> <p>See also Section 5.4.6.</p>	<p>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 a community hall, associated parking, and playground area centrally located. 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.</p>
Section 6.2.7	Buildings per Lot	<p>In all districts other than Apartment 80 and Business C, not more than one principal 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>Two (2) principal buildings are currently proposed on Lot B (located in the RES S-15, IND, and PUD-I districts) with an accessory building for community access. Minimum distance between the principal buildings and the accessory building is approximately 36.2 feet. Minimum distance between the principal buildings is approximately 110 feet. Developer requests a waiver to allow for proposed project as shown on the submitted plans.</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.	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. Developer requests a waiver to allow for proposed project as shown on the submitted plans.
Section 6.3	Table of Dimensional Controls- Required Front Yard	Multi-family dwelling use in a Residence S-15 District requires minimum of 20 feet for a front yard setback.	The proposed principal building on Lot A would be set back 11.3 feet from the front property line. The proposed principal buildings on Lot B would be set back 19.0 feet from the front property line. Developer requests a waiver to allow for proposed project as shown on the submitted plans.
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 are currently proposed with a maximum height of 50 feet 10 inches for Building 1 and a maximum height of 48 feet 10 inches for Buildings 2-3 (measured from average grade to the midpoint of roof slope). Developer requests a waiver to allow for proposed project as shown on the submitted plans.

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.
<b>C. Article VIII. Sign Regulations</b>			
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 environment, signs must be regulated.	A waiver is requested for the rules and regulations set forth in this section in its entirety. Project site plan (including signage) will be developed in accordance with the Massachusetts Comprehensive Permit (40B) regulations. Proposed project development (including signage) to be subject to approval by ZBA as part of the Comprehensive Permit.

D. Article IX. Parking			
Section 9.1.1.6	Shared Parking Lots	The CPDC may grant a Special Permit for shared parking facilities for nonresidential parking subject to the provisions in this section.	The development includes 3 residential buildings and an accessory building/use (community hall) with shared parking for the residential and accessory uses. A waiver is requested from the requirement to get a special permit for shared parking lots after CPDC comments under this section.
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 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.	The minimum number of loading and unloading spaces required is one (1) per each twenty (20) rental units. No specifically dedicated loading and unloading spaces have been provided in the proposed redevelopment project. Developer requests a waiver to allow for proposed project as shown on the submitted 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 small 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 constructed in a manner which is highly responsive to specific sites and their surroundings; 3)Require more rigorous development standards.	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 approval by ZBA as part of the Comprehensive Permit.

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.	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.

			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) to be subject to approval by ZBA as part of the Comprehensive Permit.
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**B. Article VIII. Public Order**

<b>Section</b>	<b>Subject</b>	<b>Requirement</b>	<b>Requested Waiver/ Applicability</b>
Section 8.1.7	Driveway Permits Required	No person shall make or construct or reconstruct or modify a driveway or other 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	Developer is requesting a waiver from this provision. Proposed project 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 &amp; 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 includes grading, a stormwater management device, and retaining walls within the 25-foot no disturb</p>

			<p>ZNV (§§ 3(D)(1-2 &amp; 4)). The same improvements (as well as paving and installation of guardrails) are also proposed within the 35-foot no build area (§ 3(D)(4)) and BLSF (§ 3(E)). 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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