

**40 CENTRE STREET
PROPOSED WAIVER LIST
M1.0 Zoning District
NOVEMBER 28, 2016**

Brookline Zoning By-Laws				
Bylaw Section	Requirement	Requested Waiver(s)	Details of Proposal Requiring Waiver	Waiver Number
§4.07 – Table of Use Regulations	Multi-Family Uses	Waiver to allow the property to be used as a multi-family dwelling, not requiring a special permit	The Development is a multi-family housing development containing 40 units. The Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide all local permits per M.G.L. c. 40B § 20-23.	A
§4.08	Affordable Housing Requirements	Waiver to allow affordable housing requirements under Chapter 40B, rather than under 4.08.	The Development is a multi-family housing development under c.40B, so the affordable housing requirements are governed by the comprehensive permit.	B
§5.09	Design Review	Design Review requirements not applicable under M.G.L. c. 40B.	Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide all local permits per M.G.L. c. 40B § 20-23.	C BOARD WILL REVISIT
Table §5.01 Section 5.20 Section 5.22	Maximum Floor Area Exceptions to Maximum Floor Area Ratio (FAR) Regulations For Residential Units	Waiver from maximum ratio of gross floor area to lot area (1.0 in M-1.0 District)	The Building is 45,482 sf minus 6,099 sf of garage space for a total of 39,383 sf . The lot size 10,889 sf . The FAR is 39,383/10,889. FAR 3.62	D

<p>Table §5.01</p> <p>Section 5.30</p> <p>Section 5.31</p>	<p>Maximum Height of Buildings</p>	<p>Waiver from maximum building height limitations (40' in M-1.0District)</p>	<p>Using Method 5.30A. The midpoint of the street frontage is 67.52 Base level of the Building 68.52 Actual building height of the will be 67'4" feet at its maximum measured by midpoint of street frontage.</p>	<p>E</p>
<p>Section 5.43</p>	<p>NOT APPLICABLE</p>			<p>F</p>
<p>Table 5.01</p> <p>Section 5.60</p>	<p>Minimum Side Yard</p>	<p>Waiver from 10'+L/10' (24')</p>	<p>The proposed side yard is 5.1' on the east side and 6.1' on the west side</p>	<p>G</p>
<p>Table 5.01</p> <p>Section 5.50</p> <p>Section 5.51</p>	<p>Minimum Front Yard</p>	<p>Waiver 15'</p>	<p>The proposed front yard 5'</p>	<p>H</p>
<p>Table 5.01</p> <p>Section 5.70</p>	<p>Minimum Rear Yard</p>	<p>Waiver from 30'</p>	<p>The proposed rear yard is 5.2'</p>	<p>I</p>
<p>Table 5.01</p>	<p>Maximum Building Stories</p>	<p>Waiver from 4 stories</p>	<p>6 stories are proposed</p>	<p>J</p>
<p>Section 5.54 (2)</p>	<p>Exceptions for Alignment</p>	<p>20'</p>	<p>5' front setback</p>	<p>K</p>
<p>Table 5.01</p> <p>Section 5.90</p>	<p>Minimum Open Space (landscaped)</p>	<p>Waiver from 10%</p>	<p>2,154sf/ 39,383sf= 5.5%</p>	<p>L</p>
<p>Table 5.01</p> <p>Section 5.91</p>	<p>Minimum Open Space (usable)</p>	<p>Waiver from 20%</p>	<p>0%</p>	<p>M</p>
<p>Table 6.02</p> <p>Continued below</p>	<p>Parking Spaces</p>	<p>Waiver from 2.0/2.3 spaces/unit Totaling 82 spaces Waiver from</p>	<p>Total 25 spaces (includes stackable units)</p>	<p>N <i>[KP disagrees]</i></p>

		Article 19 Totaling 33 cars Ratio .825	Total 25' spaces and up to 8 stackers Ratio .625	
Section 6.02	required parking be designated and marked for use by visitors and trades people	Waiver from 10% percent	0%.	O
Section 6.04(4c)	Maximum driveway curb cut 20'	Wavier to 21'	21' curb cut	P
Section 6.03(2e)	Compact cars	25%	72%	Q
Section 9.00	WITHDRAWN BY APPLICANT			R
Section 9.00	WITHDRAWN BY APPLICANT			S
Section 9.05	WITHDRAWN BY APPLICANT			T
§3.17	Department of Public Works	Waiver from the Department of Public Works site plan approval process, curb cut procedure, tree removal, and construction and maintenance	Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide all local permits per M.G.L. c. 40B § 20-23.	U*

		related parking permits.		
Town By-Laws Section 5.3	Waiver of the requirements of Town By-Laws Section 5.3 as to demolition of Building			V*
Town By-Law 7.3.2	Street construction permit under Town By-Law Section 7.3.3 for the purpose of installation of utilities, access and improvements in accordance with the submitted plans			W*
Town By-Laws 8.26	Waiver of procedures under Town By-Laws Article 8.25 Stormwater Management, and approval of the Applicant's stormwater management plan in lieu thereof.			X*

(* Staff does not recommend that the ZBA grant waiver requests. ZBA recommended 11/28/16 that Applicant have conversation with staff to understand Town position.