

217 Kent Street
PROPOSED WAIVER LIST
M-1.0 Zoning District
June 27, 2022

BROOKLINE ZONING BY-LAW					
By-Law Section	Requirement	Requested Waiver(s)		Details of Proposal Requiring Waiver	Waiver Number
		M-1.0			
Sec. 4.08	Affordable Housing Requirements	Use property for multi-family housing without a special permit and without complying with specific requirements.		The Development is a multi-family housing development under M.G.L. Ch. 40B and all affordable housing requirements are governed by the Comprehensive Permit.	A
Sec. 4.10	Floodplain Overlay District	Waiver to allow the construction of a new attached building on a lot that is partially within the Floodplain Overlay District without a special permit.		Waiver requested from special permit requirement to construct the proposed multi-family housing development under M.G.L. Ch. 40A.	B
Sec. 5.12 Table §5.01	Minimum Lot Area Per Dwelling Unit	Waiver to allow more dwelling units than allowed on a 28,645± s.f. lot, or 26 units.		The Development would have 100 total units.	C
Sec. 5.20 Table §5.01	Maximum Floor Area	The Development will exceed the total allowed floor area ratio of 1.0, or 28,645 s.f.		Waiver requested to allow a proposed FAR of 3.24± based on a lot area of 28,645± s.f.	D

Sec. 5.30 Table §5.01	Maximum Height of Buildings	The maximum allowed height is 40', as measured from the record grade of the street in accordance with Section 5.30.1.a.	Waiver to allow a building with a maximum height of the 58' ± when measured from record grade at midpoint of the street (39.5').	E
Sec. 5.50 Table 5.01	Minimum Front Yard	15'	Waiver to allow a front yard setback of 19'-2"±	F
Table 5.01 Footnote 1	Garage setback.	20'	Waiver to allow a front yard setback of 19'-2"	G
Sec. 5.60 Table 5.01	Minimum Side Yard	10 + L/10 Requirement: 10 + (185.899'/10) = 28.599'	Waiver requested to provide the following side yard setbacks: <ul style="list-style-type: none"> • 4'-10" ± (N) • 9'-2"± (typical-N) • 21'-7" (S) 	H
Sec. 5.70 Table 5.01	Minimum Rear Yard	30'	Waiver requested to provide a rear yard setback of ±12'-11", 14'-5" typ	I
Sec. 5.90 Table 5.01	Minimum Open Space (Landscaped)	10% of gross floor area or 9,286 s.f.	The project will provide 3,450 ± s.f. in landscaped open space.	J
Sec. 5.91 Table 5.01	Usable Open Space	20% of gross floor area or 18,404.4± s.f.	The project will provide 2,750 ± s.f. of usable open space.	K

<p>Sec. 5.62</p>	<p>Fences and Terraces in Side Yards</p>	<p>Fences, hedges or walls not over seven feet high above the natural grade are not subject to side yard setback requirements of Sec. 5.60.</p>	<p>Retaining walls over 7 feet high will be located along the north side property lines.</p>	<p>L</p>
<p>Sec. 5.09</p>	<p>Design Review</p>	<p>Waiver from Project design approval without Design Review Waiver requested from special permit required under Section 5.09 EXCEPT FOR the following subparagraphs:</p> <ul style="list-style-type: none"> 3.c.2: existing conditions plan 3.c.3: drawing of proposal 4.a: preservation of trees 4.e: circulation 4.f: stormwater drainage 4.g: utility service 4.h: advertising features 4.i: special features 4.j: safety and security 4.l: microclimate 4.m: energy efficiency 	<p>Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide all local permits per M.G.L. c. 40B § 20-23.</p>	<p>M</p>
<p>Sec. 6.02</p>	<p>Off-Street Parking Space Regulations</p>	<p>Parking Requirements in the Transit Parking Overlay District: 0.5 space per studio unit, 1 space per one and more bedroom units</p> <p>Number of spaces required = 22 + 57 = 79 spaces</p>	<p>Waiver to allow a reduction of 40 spaces for a total 39 parking spaces (plus 1 for tradespeople, see below).</p>	<p>N</p>
<p>Sec. 6.02.2.f</p>	<p>Required parking spaces for use by</p>	<p>Waiver from the required ten percent (8 spaces) of all required parking spaces shall be designed and marked for use by visitors and tradespeople</p>	<p>Waiver to allow a reduction of 7 spaces for a total of 1 space for use by tradespeople</p>	<p>O</p>

	visitors and tradespeople.			
Sec. 6.04.3	Design of All Off- Street Parking Facilities	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.	Waiver requested from special permit requirement for stacker parking spaces.	P
Sec. 6.04.5.b	Design of All Off- Street Parking Facilities	The surfaced area of all entrance and exit drives shall be set back a minimum of 10 feet from street lot lines and 5 feet from all other lot lines.	<ol style="list-style-type: none"> 1. The entrance and exit drive to underground parking garage will have a 0' setback from the side lot line 2. The exit drive for drop-off and pick-up will be setback 4' 	Q
Sec. 6.04.15	Electric Vehicles	For Parking Areas with 15 or more parking spaces, at least 15% of the total parking spaces, and not fewer than two parking spaces, shall be EV Ready Spaces. 6 spaces required	Waiver requested to allow a reduction of 6 spaces	R
Sec. 6.04.4.b	Design of All Off- Street Parking Facilities	Entrance and exit drives must be a minimum of 20 feet wide for two-way use	Waiver to allow a driveway entrance/exit drive of 19'-6" ±	S

BROOKLINE GENERAL BY-LAWS

By-Law Section	Requirement	Requested Waiver(s)	Details of Proposal Requiring Waiver	Waiver Number
Sec. 5.3	Demolition Delay By-law	Waiver from the Preservation Commission requirements to demolish buildings in Brookline.	Comprehensive Permit, as may be granted by Zoning Board of Appeals, shall provide all local permits per M.G.L. c. 40B § 20-23.	T

In addition, the Applicant seeks such additional relief as may be necessary to conform the relief sought to the plans filed with this Application, as amended from time to time. Included within the relief sought are all ancillary, subsidiary, usual, customary or necessary permits in lieu of which the Board of Appeals may grant a Comprehensive Permit to the extent necessary to conform the relief granted to the plans submitted herewith, as amended.

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