

**The Residences of South Brookline
PROPOSED WAIVER LIST**

THE RESIDENCES OF BROOKLINE VILLAGE – REQUESTED WAIVERS ¹						
Brookline Zoning Bylaws						
Bylaw Section	Requirement	Applicable District(s)	Lot(s) Affected	Requested Waiver(s)	Details of Proposal Requiring Waiver	Waiver No.
§4.07(6) – <i>Table of Use Regulations</i>	Multifamily Uses	S-7	W, E1, E2, E3	Waiver to allow multifamily uses within the S-7 zoning district.	The Development is a multifamily housing development containing 10 buildings and 184 dwelling units, of which 9 “infill” buildings and 44 dwelling units will be located in the infill the S-7 zoning district. ²	A
§5.03	Spacing of Residential Uses on the Same Lot	S-7	E3	Waiver to allow construction of two or more main residential buildings without providing front, side, and rear yards between each building.	As shown on the Waiver Plan, in one location on the Site, Building 7 will be located approximately 28’-2” feet from Building 8, within the required front yard of Building 8.	B
§5.04(1)	Residential Building on Rear of a Lot	S-7	E3	Waiver to allow residential buildings located on the rear of the lots to have less than an 80-foot rear yard.	As shown on the Waiver Plan, in one location on the Site, Building 8 will be located approximately 28’-2” feet from Building 7, within the required rear yard of Building 7.	C
§5.09	Design Review	S-7; M-0.5	W, E1, E2, E3	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.	D
§5.10, §5.12, and Table 5.01	Minimum Lot Size, Minimum Lot Area Per Dwelling Unit	M-0.5	E2	Waiver from minimum lot size of 3,000 sf for first dwelling unit and 2,000 sf for each additional dwelling unit.	On Lot E2, the Development will have a lot size of approximately 89,266 sf within the M-0.5 District, allowing 44 total units under the bylaw requirements. The Development will include approximately 140 units within the M-0.5 District on Lot E2. Site wide, the entire development will have a lot size of approximately 375,735 sf, allowing a total of 187 units (184 units are proposed).	E

¹ This Waiver List should be read together with: (i) those certain plans entitled “Waiver Plan West” and “Waiver Plan East” prepared by Stantec dated September 23, 2014, showing, for informational purposes only, the approximate locations of the Development’s Lots (designated as Lots W, E1, E2, and E3), buildings (#1-10), and features requiring waivers; and (ii) “Waiver Calculations” prepared by Stantec dated September 23, 2014.

² Building 3 will technically be located within the portion of Lot W located within the M-0.5; however, for purposes of evaluating zoning compliance, the more restrictive use and dimensional regulations applicable in the S-7 have been applied to Building 3.

§5.20 and Table 5.01	Maximum FAR	M-0.5	E2	Waiver from 0.5 maximum ratio of gross floor area to lot area	On Lot E2 within the M-0.5 District, the apartment building will have a gross floor area of approximately 170,000 sf and a lot size of approximately 89,266 sf, resulting in an FAR of approximately 1.90. The entire Development will have an FAR of approximately 0.63.	F
§5.50 and Table 5.01	Minimum Front Yard ³	S-7; M-0.5	W, E1, E2, E3	Waiver from 30' minimum front yard requirement	Minimum 19'-6" setback provided for Building 4. Minimum 22'-7" setback provided for Building 5. Minimum 8' setback provided for Building 10. Minimum 3' setback provided for Building 7.	G
§5.60, §5.62 and Table 5.01	Minimum Side Yard ³	M-0.5	E2	Waiver from minimum side yard requirement of $10 + L/10$ (where "L" is the dimension of that portion of the wall required to be set back from the side lot line)	Minimum 10' setback provided for Building 10.	H
		S-7	W, E3	Waiver from minimum side yard requirement of 20' and to allow retaining walls in excess of 7' in height within required side setback areas	Minimum 2'4" setback provided for Building 1. Minimum 1' setback provided for Building 3. Minimum 6' setback provided for Building 7. Minimum 7'-3" setback provided for Building 8. Minimum 10' setback provided for Building 9. Retaining walls within side yard of Building(s) 7 and 10 may exceed 7' in height.	I
§5.70 and Table 5.01	Minimum Rear Yard ³	M-0.5	E2	Waiver from 30' minimum rear yard requirement	Minimum 19' setback provided for Building 10.	J
		S-7	E1, E3	Waiver from 40' minimum rear yard requirement	Minimum 1' setback provided for Building 3. Minimum 14' setback provided for Building 9.	K
§5.91 and Table	Minimum Usable Open	M-0.5	E2	Waiver from the requirement that at least 30% of the gross	On Lot E2 within the M-0.5 District, 32,990 sf of Usable Open Space will be provided, which	L

³ Section 5.40 of the Zoning Bylaw allows for a less restrictive interpretation of minimum yard requirements where a structure is not parallel to the lot line; for the sake of clarity, all minimum yard requirements have been applied as if the buildings were parallel to lot lines.

5.01	Space			floor area on each lot will be usable open space.	is approximately 19% of the gross floor area of the structure on Lot E2 in the M-0.5 District.	
§6.02, Paragraph 1, Table of Off-Street Parking Requirements	Number of Parking Spaces per Dwelling Unit	M-0.5	E2	Waiver from the requirement to provide 2.0 spaces per 1 and 2 bedroom unit and 2.3 per 3-bedroom units	On Lot E2 in the M-0.5 District, the Development will provide 1.4 parking spaces per 1 or 2-bedroom dwelling unit. Site-wide, 2 parking spaces per 1 or 2-bedroom dwelling unit and 2.3 parking spaces per 3-bedroom unit will be provided.	M
§6.04	Design of Off-Street Parking Facilities	S-7; M-0.5	W, E1, E2, E3	Waiver from minimum aisle width of 24'.	The Development will provide minimum aisle width of 23'.	N
§5.30-5.32 and Table 5.01	Maximum Height of Buildings	M-0.5	E2	Waiver from maximum building height limitations, as calculated pursuant to Sections 5.30-5.32.	Building 10 will have a height of approx. 52.42' as measured in accordance with the calculations set forth in Section 5.30-5.32 of the Zoning Bylaw. We note that if height is calculated by reference to the nearest abutting lot located outside of Hancock Village, no waiver for height would be required. ⁴	O

Brookline General Bylaws						
Bylaw Section	Requirement		Requested Waiver or Waiver	Details of Proposal Requiring Waiver	Waiver No.	
5.10.3.d	Neighborhood Conservation District		W, E1, E2, E3	Waiver from conservation district permit requirements and applicable design standards and restrictions.	Comprehensive Permit as may be granted by Zoning Board of Appeals shall provide all local permits per MGL c. 40B.	P

⁴ See separate "Building Height Calculation Plan" prepared by Stantec dated September 23, 2014.