

## THORNDIKE PLACE List of Requested Waivers

As required under 760 CMR 56.05(2)(h), the following is a list of Waivers to “Local Requirements and Regulations,” including waivers from the Bylaws of the Town of Arlington (the “Bylaws”) , including the Town of Arlington Zoning Bylaw, as amended (the “Zoning Bylaw”), and other Local Requirements and Regulations as defined under 760 CMR 56.02 of the Chapter 40B Regulations, including all local legislative, regulatory, or other actions which are more restrictive than state requirements, if any, including local zoning and wetlands ordinances, subdivision and board of health rules, and other local ordinances, codes, and regulations, in each case which are in effect on the date of the Project’s application to the Board. In addition to the following list of requested Waivers listed below, the Applicant requests an exception from such provision or requirement of all Local Requirements and Regulations issued by a “Local Board” (defined under the Chapter 40B Regulations as means any local board or official, including, but not limited to any board of survey; board of health; planning board; conservation commission; historical commission; water, sewer, or other commission or district; fire, police, traffic, or other department; building inspector or similar official or board; city council, as well as all boards, regardless of their geographical jurisdiction or their source of authority [that is, including boards created by special acts of the legislature or by other legislative action] if such local board perform functions usually performed by locally created boards).

Pursuant to Chapter 40B rules described under 760 CMR 56.05(7), “[z]oning waivers are required solely from the “as-of-right” requirements of a zoning district where the project is located; there shall be no requirement to obtain waivers from the special permit requirements of the district.” Accordingly, any waivers which reference special permit requirements are included only for illustration purposes.

This waiver list continues to be preliminary and, as such, will be revised within the Public Hearing. Prior to the Board’s vote on the Comprehensive Permit application, a final waiver list shall be submitted and reflect waivers consistent with plans as revised within hearing process.

### LIST OF WAIVERS/EXCEPTIONS

<b>A. BY-LAWS OF THE TOWN OF ARLINGTON, MASSACHUSETTS (GENERAL BYLAWS)</b>				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Title III: Article I, Sections 1 and 2	Use of Streets for Construction or Demolition Materials	Work adjacent to public ways and use of ways to place building materials or rubbish, and related application and fee requirements.	Application, permits from Board of Public Works (or Town Engineer), bond and bond requirements.	Waiver, except that Applicant shall comply with all bonding requirements.
Title III: Article I, Section 20	Excavation in Streets and Sidewalks	Work in public ways, excavation and related application and fee requirements	Application, permits and fee.	Waiver of permit and 25% of fees.

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<p>Title V: Article 8 and Town Wetland Protection Regulations</p>	<p>Wetland Protection By-Law; Wetland Regulations of the Town of Arlington Conservation Commission (dated June 4, 2015)</p>	<p>Local Wetlands Bylaw and Related Regulations and Fees.</p>	<p>Procedures, jurisdictional requirements, applications, fees, costs, regulations, policies, and enforcement, consultant fees.</p> <p>Section 23: Subpart C: No activity within bordering land subject to flooding without written permission of Commission Subpart D: Compensatory flood storage to be at 2:1 ratio.</p> <p>Section 24: Provides vegetation in a resource area shall not be damaged, removed, extensively pruned without written approval and in-kind replacement.</p> <p>Section 25, Subpart D – work in outer 75 feet of AURA (Restricted Zone) to be subject to alternatives analysis.</p>	<p>Waived as may be necessary under Section 23; Section 24 and Section 25, Subpart D, to the extent that such may differ from Wetlands Protection Act requirements Project to be governed by a Wetlands Order of Conditions issued pursuant to the Massachusetts Wetlands Protection Act (MGL c. 131, s. 40) and State Wetlands Regulations at 310 CMR 10.00</p> <p>Floodplain compensatory storage to be established at ratio of 2:1 – No waiver</p> <p>Replacement vegetation to be governed by landscaping plan included with Site Plans and governed by Comprehensive Permit.</p> <p>As depicted on Site Plans, small portion of exterior emergency access and limited area of subsurface parking within limited portion of outer AURA.. Waiver as to alternatives analysis.</p>
<p>Title V; Article 8, Section 16.B.11</p>	<p>Wetlands Consultant Fees</p>	<p>Consultant Fees</p>		<p>Waived</p>

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Title V: Article 15, Section 1-5	Stormwater Mitigation	Stormwater Management and permitting	Procedures, applications, Engineering Division review and approval, relief from DPW	Waived. . Stormwater will be managed in accordance with the MassDEP’s Stormwater Policy and Technical Guidance, unless otherwise exempt. Stormwater to also be managed in accordance with a US EPA Stormwater Construction Permit for Massachusetts.
Title IX: Article 3, Sections 4A, 4B	Town Fees and Charges, Department of Community Safety and Office of Building Inspector.	Fees and charges.	Payment of fees related to fire safety, building permits, plan reviews, occupancy permits, plumbing permit, gas fitting, electrical	Waiver allowing for 25% reduction of fees (reflecting 25% of project as affordable).
Water Connection Fee Regulations	Water Privilege Fee	Fee for water connections		Waiver requested of 25% of fee (reflecting 25% of project as affordable).
Sewer Privilege Fee	Sewer Privilege Fee	Fee for connection to public sewer system		Waiver requested of 25% of fee (reflecting 25% of project as affordable).

<b>B. TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)</b>				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article 2	Definitions	Various definitions.	Various definitions applying to provisions under bylaws.	Waived in its entirety to the extent definitions vary and/or conflict with MGL c. 40B and the Site Plans.
Article 4.02	Application	Application of Zoning Bylaw	Except as herein provided, provisions of the [Zoning] Bylaw shall apply to the erection, construction, reconstruction, alteration or use of buildings, structures, use of land.	Waived; erection and construction of multifamily residential dwelling together with accessory uses thereto, including without limitation accessory parking (surface and underground), play area, terraces, landscaping and management office to be governed by Comprehensive Permit Decision.
Article 5, Sec. 5.01	Use Regulations	Applicability	Buildings, structures or land shall be used only as set forth in Article 5.	Waived so that the use of buildings, structures or land for multifamily residential dwelling and accessory uses thereto shall be used in accordance with Comprehensive Permit decision pursuant to G.L.c.40B.
Article 5, Sections 5.03, 5.04	Use Regulations	Uses subject to other regulations and Table of Use Regulations	Table at Section 5.04 permits as of right uses for single-family detached and two family, duplex house. Other residential uses, including apartment house, permitted by special permit; requires special permit for other accessory use customarily incidental to a permitted principal use. .	Waived to allow 176-unit multifamily residential uses, open space and residential accessory uses (e.g., residential auto and bicycle parking, play area, terraces, landscaping, management office) and signage in PUD District, to be governed by Comprehensive Permit decision pursuant to G.L. c.40B.

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				(cont.)
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
<b>ARTICLE 6 – GENERAL REGULATIONS</b>				
Article 6, Section 6.00 – Table of Dimensional and Density Regulations	Dimensional and Density Regulations	Table of Dimensional and Density Regulations	Regulates minimum lot size, frontage; maximum floor area; maximum lot coverage; min. lot area, lot depth (front, side and rear); maximum heights, minimum landscaped areas and usable open space.	Waived to allow Project to be constructed in accordance with dimensional requirements of zoning ordinance in PUD district except as waived herein and depicted on approved plans described within Comprehensive Permit decision.

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				(cont.)
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 6, Sections 6.01, 6.03(a) and Table of Dimensional and Density Regulations, generally and applicable to PUD District (p.61 of zoning bylaw), and Sections 6.13, 6.21, 6.28	General (Dimensional and Density) Regulations and Table; Reduced Height Limits in Height Buffer Area; Planned Unit Development Yards and Setbacks	Lot Areas and Separation of Lots; spacing of a residential building on the same lot with another principal building; in PUD district establishes a lower (40') building height on parts of lot within defined height area buffer, with greater height allowed by special permit; and sets out setbacks to street lines and front, rear, side lot lines	PUD dimensional requirements: <ul style="list-style-type: none"> <li>• 200,000 min. lot size;</li> <li>• .80 max FAR;</li> <li>• Max height: 85' (Residential uses to be no more than 5 floors)'</li> <li>• Minimum open space requirement in PUD of 10% landscaped and 10% usable;</li> <li>• Front, Side Rear Yards – 25' setback.</li> </ul>	<ul style="list-style-type: none"> <li>- Lot size = 769,359 SF – no waiver</li> <li>- FAR = .25 – no waiver</li> <li>- Height &lt;85'/ 4 floors + garage. – no waiver</li> <li>- 41.3% landscaped open space – no waiver</li> <li>- 10.6% usable open space – no waiver</li> <li>- First yard: 25' – no waiver</li> <li>- Side yard: 36' – no waiver</li> <li>- Rear yard – 20.5' – to be waived.</li> </ul>
-	Buildings in Floodplains	Dimensional and density regulations together with additional regulations of Section 11.04	Includes regulations within Section 6 and Section 11.04	Waived to the extent not consistent with Site Plans
Article 6, Section 6.10	Sale or Lease of Lots in a Planned Unit Development	Upon completion of environmental design review, tracts of land of at least 30,000 sf may be leased or sold for development in accordance with PUD site plan	Requires tracts within PUD development to have principal building, offstreet parking, open space or plaza as required as result of environmental design review under Section 11.06 of Bylaw.	Waiver of provisions, consistent with waiver of Section 11.06 environmental design review process; project to be governed by Comprehensive Permit decision and incorporated plans therein

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				(cont.)
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 6, Section 6.30	Open Space Regulations for Planned Unit Developments	Sets out minimum open space within PUD district for apartment uses	Minimum open space for apartments in PUD district is 10% landscaped/10% usable open space	41.3% landscaped open space – no waiver 10.6% usable open space – no waiver
<b>ARTICLE 8 – OFF STREET PARKING AND LOADING</b>				
Article 8, Section 8.12.a(3)	Parking/Loading space standards – Minimum access aisle widths	Establishes minimum aisle widths for off street parking spaces	Minimum 24' aisle width of 90 deg angle parking	No waiver
Article 8, Section 8.12(b)(3)	Parking/Loading space standards	Location of parking areas	Parking not to be within required front yard.	Waiver to allow for parking area off Dorothy Road as shown on Site Plans.
<b>ARTICLE 10: ADMINISTRATION AND ENFORCEMENT</b>				
Article 10, Section 10.02	Permit Required	Permits issued only in compliance with zoning bylaw.	No permit shall be issued if the building, structure or lot as constructed or used would be in violation of any provision of the Bylaw	Waiver so that construction and use of buildings and land be in accordance with the Comprehensive Permit decision.
Article 10, Section 10.11	Special Permits	Special Permit process	Special Permit required under Bylaw for review by ZBA or ARB (under Section 11.06) to review applications for Special Permits, including set of findings at 10.11(a)(1) and includes a two-year time period to make use of special permit.	ZBA review to adhere to Chapter 40B and 760 CMR 56.00 review standards, provisions for lapse of permits and single board (ZBA) review for local permitting of Comprehensive Permit application.

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				(cont.)
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 10, Section 10.12	Variances	Variance review process	ZBA is empowered to grant variances of Bylaw in accordance with Section 10 of Chapter 40A.	Waiver; ZBA review to adhere to Chapter 40B and 760 CMR 56.00 review standards and to issue waivers of local regulation, bylaws or rules.
<b>ARTICLE 11 SPECIAL REGULATIONS</b>				
Article 11, Section 11.04(a)-(g)	Floodplain District	Governing regulations and special permit review by ZBA/ARB	Permit required for specific uses and structures; seeks to require compliance with Sections 11.04 and 11.05 of Bylaw and Wetlands Protection Bylaw (Title V, Art. 8 of Town Bylaws), in addition to State Law (MGL 131, 40) and State Regulations (310 CR 10.00) and State Building Code. Establishes special permit process for new buildings or earth movement in floodplain.	Waiver for special permit process/environmental design review and waiver of application of local wetlands bylaw (Title 5 of Article 8), rules or regulations and Section 11.05 of Zoning Bylaw. Project to be governed by Comprehensive Permit.
Article 11, Section 11.05(b), (d), (e), (f)	Inland Wetland District	Permit required for specific uses and structures.	Special Permit required for specific uses and structures.	To extent portions of property are within district, waiver given as Project governed by Comprehensive Permit. (For informational purposes, per 40B waivers are not required for special permit uses).



TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				(cont.)
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 11, Section 11.06(b), Section 11.06(d)(1), (4), (5), (6), and 11.06(e) and 11.06(f)	Environmental Design Review	Environmental design review and standards for projects including six or more dwelling units (11.06(b)(1)(b) or use within a PUD (Section 11.06(b)(2).	Uses subject to Section 11.06(b) may be allowed subject to special permit upon application to ARB to include materials set out in Section 11.06(d) as well as certified land surveyor survey plan of land and corner points of lot to be marked by monument or other physical demarcation. Before special permit to issue, public hearing before ARB. Review standards as contained in Section 11.06(f).	Waiver of Environmental Design Review (EDR), special permit application submittal, standards, and hearings before ARB. Waiver to include waiver from adherence to EDR submittal requirements of Section 11.06(d) and review standards of Section 11.06(e)/(f). Applicant proposes to submit to ZBA within review of Comprehensive Permit application modeling for project; waiver of environmental impact statement; waiver of sign applications; signage to comply with zoning bylaw and are to be depicted on final approved site plans, with exception of temporary construction signage as approved by Building Official from time of commencement of project to completion of construction.. Project review to be accordance with public hearing process as established under MGL c.40B and its regulations at 760 CMR 56.00 et seq.; project to be governed by Comprehensive Permit decision.

TOWN OF ARLINGTON ZONING BYLAWS (AS AMENDED THROUGH APRIL 2015)				(cont.)
BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 11, Section 11.07	Filling of Any Water or Wet Area	Filing submission requirements, review and standards within Environmental Design Review involving fill of water or wet areas of 500 cubic yards or greater or where area involved is >10,000 sq. ft. and approved under State WPA	Conditions on filing requirements and fill standards/limits.	Waiver to forego preparation of plans/documents for separate review. To the extent project requires submission of Notice of Intent under State WPA to the Arlington Conservation Commission; standards and criteria applicable are those contained in State Act and its regulations.
Article 11, Section 11.08	Affordable Housing Requirements	Affordable housing requirements for projects including six or more residential units under Section 1.06	Requires 15% of new residential units be Affordable Units (as defined in Zoning Bylaw, Section 11.08), or contribution to Affordable Housing Trust Fund, by allowance of ARB	Waiver to the extent Section 11.08 varies or is not consistent with Chapter 40B, its regulations and the rules and policies of DHCD and MassHousing. Applicant's project is subject to affordable housing requirements as contained in M.G.L. c.40B and its regulations under the New England Fund Program of Home Loan Bank of Boston, in accordance with Site Approval given by MassHousing and Regulatory Agreement approved by the State.

<b>ZONING BOARD OF APPEALS OF TOWN OF ARLINGTON COMPREHENSIVE PERMIT REGULATIONS</b>				
<u>REGULATION</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section 3.1, 3.2	Application and Documentation	Application contents	Complete application filed upon submittal of documentation of Section 3.0	Waiver of certain submission requirements beyond the requirements of 760 CMR 56.00 at time of initial filing; additional documentation to be submitted to Board within public hearing process and review by peer review consultants.
Section 3.2.7	Preliminary Scaled Architectural Drawings	Preliminary Architectural	To be on scale of 1/8"=1"; include typical floor plans, typical elevations and sections; construction type and finish and signed by architect;	Waiver sought for scale of 1/8"=1" for all architectural drawings, due to size of area plans scaled at 1/8" would be too large to be useful.
Section 3.2.11	List of Requested Exemptions	Local Bylaw waivers	List of Exemptions to contain location on plan, complete explanation as to economic impact of local rule or regulation	Waiver sought to extent local regulation seeks "complete explanation as to economic impact," as such request is inconsistent with MGL c.40B/760 CMR 56.05(7) (waivers may be sought as consistent with local needs; where town has less than 10% affordable housing, presumption that affordable housing need outweighs local concerns.)

Thorndike Place (Arlington)

<p>Section 3.2.13</p>	<p>Impact Analysis of the Natural and Built Environment</p>	<p>Impact analysis to be prepared by wetland scientist, environmental scientist, hydrologist, professional engineer, soil scientist, botanist, hydrogeologist or other scientific professional</p>	<p>Impact analysis by professional to assess predevelopment conditions and post-development impacts water quantity/quality; recharge, open space/recreational land; wildlife habitat and wetland resources; species of special concern and historic/ cultural resources</p>	<p>Waiver for timing of filing impact analysis at initial filing and to be supplemented to the Board within the public hearing process as reflected in 9/25/20 Response Supplemental Completeness Review .</p>
<p>Section 3.2.15</p>	<p>Statement of Impact on Municipal Facilities and Services</p>	<p>Applicant to provide impact analysis</p>	<p>Detailed analyses of costs imposed on Town as well as anticipated tax and other revenue to be generated</p>	<p>Waiver of impact analysis at initial filing; Applicant agrees to timely provide the same within the public hearing process for review by Board and its consultant, as project may be further refined within public hearing process and process as reflected in 9/25/20 Response to Supplemental Completeness Review.</p>