

Pursuant to 760 CMR 56.05(2)(h), 1025 Mass Ave, LLC (hereinafter referred to as the "Applicant"), submits the following list of waivers, so-called, to "local requirements and regulations," including without limitation the Town of Arlington Zoning Bylaw, as amended, certain Town By-laws such as the Arlington Wetlands Protection Bylaw (Title V, Article 8 - "Wetlands Bylaw"), Article 16-Tree Protection and Preservation Bylaw, and other local regulations and requirements as defined in M.G.L. c.408, §56.02, including all local rules, ordinances, codes and regulations that are more restrictive than state requirements.

By-Law Regulation	Requirement	Proposed	Waiver
Zoning By-Law Article 5, Section 5.5.3	Multifamily/ Apartment use is not allowed as of right or by special permit.	Multi-Family use	Waiver requested. The property is located in the B1 Zone.
Zoning By-law Article 5, Section 5.5.2	The By-law requires a Front Yard Setback of 20 feet	The Applicant proposes a Front yard setback of 17 feet	Waiver requested, see Footnote 1
Zoning By-law Article 5, Section 5.5.2	The By-law requires a maximum height of 3 stories or 35 feet	The Applicant proposes a 5-story building with a proposed height of 66'-4"	Waiver requested, see Footnote 1
Zoning By-law Article 5, Section 5.5.2	The By-law allows for a maximum FAR of 0.75	The Applicant proposes a FAR of 2	Waiver requested, see Footnote 1
Zoning By-law Article 5, Section 5.3.17	The By-law requires for buildings in excess of three (3) stories in height, an additional seven and one half (7.5) foot step back for the upper beginning at the fourth (4th) story.	A set back of over 7.5 feet is provided at the fifth floor and no setback at the fourth Floor.	Waiver requested of upper floor set back requirement.
Zoning By-law Article 6, Section 6.1.4	The By-law requires 1 parking space per unit and 1 space per 300 sq ft of retail for a total of 57 spaces	The Applicant proposes 1 parking space per unit and 1 retail space for a total of 51 spaces.	Waiver requested, see Footnote 2
Zoning By-law Article 6, Section 6.1.12	The By-law requires a total of 52 bicycle parking spaces and certain design requirements	The Applicant proposes 50 bicycle parking spaces without full compliance with the design requirements	Waiver requested to provided bicycle parking spaces as shown on the project drawings.

Bicycle Parking Design Guidelines	The long-term bicycle storage design guidelines do not permit hanging bicycle storage.	The Applicant proposes 49 bicycle storage units in the basement & 26 hanging bicycle racks in the garage	Waiver requested, see Footnote 2
Town By-law, Title V, Article 16, Sections 2 and 4 Tree Protection and Preservation	These sections prohibit removal of "Protected Trees" unless removal is authorized through the approval of a Tree Plan. Construction and demolition require the approval of a Tree Plan prior to or concurrent with application for a building permit. Protected Trees require a payment to a Tree Fund.	The Applicant seeks to remove trees the majority of which are non-native species in order to construct the building and complete the riverfront restoration. The Applicant seeks that a Tree Plan approval be included in the comprehensive permit and a waiver of the payment to the Tree Fund.	Waiver requested. Absent the removal of the trees, the project cannot be constructed. The payment to the tree fund effects the financial viability of the project, as significant dollars are already committed to the riverfront restoration plan on the property and along Mill Brook.
Town Bylaw Title V, Article 8 Wetlands Protection	The project is within Conservation Commission jurisdiction requiring an Order of Conditions	The Applicant seeks that the required Order of Conditions be included in the comprehensive permit	Waive requirement for an Order of Conditions to be issued by the Conservation Commission. Proposed development meets the performance standards for issuance of an Order of Conditions
Town Bylaw Title V, Article 15 Stormwater Management	The project requires a stormwater management approval	The Applicant seeks that the required stormwater management be included in the comprehensive permit	Waive requirement for a Stormwater Permit to be issued by the Town Engineer. Proposed development meets the performance standards for issuance of a Stormwater Permit
Town Bylaw Title V, Article 12 Noise Abatement	Project construction hours are 9:00 am to 5:00 pm on Saturdays and 8:00 am to 6:00 pm on weekdays.	The Applicant seeks project construction hours to be 8:00 am to 5:00 pm on Saturdays and 7:00 am to 6:00 pm on weekdays	Waive construction start time of 9:00 am on Saturdays and 8:00 am on weekdays.
Arlington Historical Commission	1021 Massachusetts Avenue is listed on the Historic Structures Inventory	The Project requires the demolition of 1021 Massachusetts Ave	Waive requirement of demolition delay or waive requirement that the Arlington Historical Commission determine that the demolition of the building would

			not be detrimental to the historical or architectural heritage or resources of the Town and include such determination in the comprehensive permit.
Town Bylaw Title V, Article 14 Outdoor Lighting	Up-lighting is prohibited	The Applicant seeks some up-lighting on the Project	Waiver Requested from the up-lighting prohibition
Sewer inflow and infiltration fees	No formal requirement	No fee required	Waiver requested from request for inflow and infiltration fees by Engineering

1. Absent waivers of these zoning requirements, the proposed project would be uneconomical, would not result in the limited profit provided for in the regulations and the Applicant would be unable to secure financing for the construction of the proposed project.
2. The Applicant seeks a waiver of the required number of parking spaces and the required long-term bicycle storage design guidelines as the footprint of the building could not accommodate additional parking beyond what is provided in the table