

133 West Union Street 40B
List of Requested Waivers (revised 4-1-16):

**Section 3.1 – Table of Principal Use Regulations (Residential A):
Multifamily dwelling not allowed.**

We are seeking a Comprehensive Permit for a 132 unit multifamily apartment project under MGL Ch. 40B.

**Section 3.1 – Table of Principal Use Regulations (Residential A):
Private non-profit club or lodge not allowed.**

We are seeking a Comprehensive Permit for a 132 unit multifamily apartment project under MGL Ch. 40B. A clubhouse/office building is a required service in an apartment project of this size.

**Section 4.1.1 - Front Setback (Residential A): 40' required; 34'
proposed for the corner of Building A.**

On the original concept plan, the structures complied with all setback requirements. In order to preserve the main part of the house at 133 West Union Street, we had to rotate Building A so that a portion of the front left corner is within the front setback.

**Section 4.1.1 - Max. Building Height (Residential A): 35' allowed;
56' proposed for Buildings A & B (4-story).**

The design of even a three story mid-rise apartment building requires a building height greater than 35'.

**Section 5.1.2 - Parking Requirements: 2 spaces per dwelling unit
required; 1.74 spaces per unit provided (230 spaces for 132 units).**

We have found that a ratio of 2 spaces per unit is unnecessary in this type of apartment complex, especially considering that over half of the units will have only one bedroom.

**Section 5.1.4.3 - In a Residential District, no such parking lot shall
extend into a required yard.**

One handicapped parking space will extend into the front yard setback. Twenty five spaces will extend into the rear yard setback. Also, approximately 3,650 square feet of parking area will extend into the rear setback in order to accommodate parking for the Buildings.

Section 5.3.12.4 – Residential Districts. Permitted signs shall be as follows: (4.) One (1) permanent sign at each entrance to a residential subdivision or complex identifying the subdivision or complex, with the sign not to exceed three (3) feet in height and twelve (12) square feet in area. Such a sign shall be freestanding and in no manner attached to any building or structure.

There will be two signs of approximately 9 square feet each; one on each side of a decorative wall at the entrance as shown on Sheet L2 of the landscape plans.

Section 5.7.3.1 - No grading or construction shall take place on slopes in excess of a horizontal of three (3) and a vertical of one (1) slope except under special permit from the Planning Board, which shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff or other environmental degradation.

There are slopes greater than 3:1 proposed throughout the site, which will be stabilized with stone rip-rap as shown on the plans. This is necessary, due to the existing topography of the property.

Section 5.7.3.5 - Hillside areas shall be retained with vegetative cover as follows:

Average Percentage Slope	Minimum Percentage of Land to Remain In Vegetation
10.0 to 14.9	25
15.0 to 19.9	40
20.0 to 24.9	55
25.0 to 29.9	70
30.0 and above	85

Slopes greater than 30% will be stabilized with stone rip-rap as shown on the plans.

Section 5.8.3 - No person shall undertake the following land clearing/grading activities without first obtaining a Site Alteration Special Permit from the Planning Board:

- 1. Clearing of an area greater than 5,000 square feet; or,**
- 2. Grading if involving more than one hundred (100) cubic yards of earth.**

The Zoning Board of Appeals is the permitting authority for Comprehensive Permits.

Section 9.4 - Site Plan Review:

All site plan review requirements for 40B projects fall under the Comprehensive Permit process with the Zoning Board of Appeals.

Section 9.6 - Design Plan Review:

All design plan review requirements for 40B projects fall under the Comprehensive Permit process with the Zoning Board of Appeals.

Town of Ashland – Comprehensive Permit Rules of the Zoning Board of Appeals

Section 3.01(a)(i)(f): The requirement to show large trees (greater than 24” diameter) on the site plans.

While there are existing trees greater than 24” in diameter on the site, most are in areas that will remain undisturbed, such as the wetland areas, the front property line, and the undeveloped area next to the 2 unit building. Any trees within the development area will have to be removed, regardless of size.

Town of Ashland – Comprehensive Permit Rules of the Zoning Board of Appeals

Section 3.01(a)(i)(ii): The requirement provide a report on existing site conditions.

The environmental impact analysis provided by Goddard Consulting, LLC *is* an existing conditions report. Re-writing this as a separate report with a different title would not provide any new information.

Town of Ashland – Wetlands Bylaw

Section 280-7 – Prohibitions.

Work within 25’ of a resource area.

There is work proposed within the 25’ wetland buffer, which was necessary in order to save the Valentine House, and to provide emergency vehicle access around the buildings.