

**Fieldstone Way Condominium Project, 135 Great Plain Avenue, Wellesley, MA**

**Preliminary List of Project Waivers<sup>1</sup>**

**Zoning Bylaw (per September 10, 2015 Bylaw)**

<b>Section/Requirement</b>	<b>Requested Project Waiver</b>
<b>Section II. Single Residence Districts:</b>  Town House, Two-Family Dwelling and Multi-Family Residential uses are not permitted in Single Residence Districts	Waiver to allow Town House, Two-Family Dwelling and Multi-Family Residential uses as shown on project plans in Single Residence District (Single Residence 20)
<b>Section XVIA. Project Approval:</b>  Design Review, Site Plan Review, and Project of Significant Impact (PSI) Special Permit requirements.	Waiver from applicable requirements and procedures such that the Wellesley ZBA shall be the sole local permit granting authority for issuance of a Comprehensive Permit under MGL c.40B for the project.
<b>Section XVIC. Drainage Review:</b>  Review by DPW and Planning Director of grading and drainage plans and other materials as may be required in accordance with local specifications.	Waiver from applicable requirements and procedures such that the Wellesley ZBA shall be the sole local permit granting authority for issuance of a Comprehensive Permit under MGL c.40B for the project.
<b>Section XVIE. Tree Protection &amp; Preservation and Rules and Regulations:</b>  Submission of Tree Protection & Mitigation Plan for review and approval by Building Commissioner and/or Planning Board in accordance with local specifications.	Waiver from applicable requirements and procedures to allow for the removal of Protected Trees to the extent the project involves work within the Tree Yards based on advancement of plans and Applicant's final landscaping plans. The Wellesley ZBA shall be the sole local permit granting authority for issuance of a Comprehensive Permit under MGL c.40B for the project.

<sup>1</sup> This preliminary list of waivers from applicable local bylaw requirements and regulations may be revised/updated based upon any adjustments to the project plans in the course of the hearing prior to issuance of a Comprehensive Permit.

<b>Section XVIII. Area Regulations:</b>	
Subsection A. Dwelling and Club House Lots: <i>In Single Residence Districts [Single Residence 20]... there shall be provided for each dwelling... hereafter constructed, a lot containing not less than... 20,000 square feet... and... no dwelling... shall be erected or placed on a lot containing less than such minimum area.</i>	Waiver to allow for 44 dwellings on single 525,031± square foot (12.05± acres) lot in Single Residence 20 district as shown on project plans.
<b>Section XIX. Yard Regulations:</b>	Waivers from the following yard requirements to construct project as set forth below and as shown on project plans:
<ul style="list-style-type: none"> <li>• Min. Front Yard Depth: 30 Feet</li> </ul>	<ul style="list-style-type: none"> <li>• Min. Front Yard Depth =13 feet.</li> </ul>
<ul style="list-style-type: none"> <li>• XIX.C: <i>No yard... shall at any time be considered as appurtenant to more than one building in computing the requirements for yards under this Bylaw.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Yards solely along the perimeter of the various buildings within the project shall be considered for purposes of computing applicable yard requirements.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Heating, ventilation, air conditioning, electric generating equipment shall not be located in required setback areas.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Transformers may be located in the side yard setbacks and AC units may be in the front yard setback as shown on the project plans.</li> </ul>
<b>Section XX. Height of Buildings or Structures:</b> Maximum building height is 36 feet.	Waiver to allow the height of certain project buildings to exceed 36 feet, based on existing and final grades. Estimated maximum height of tallest project building is approximately 40 feet from the lower of average original grade or finished grade, as shown on project plans and elevations.
<b>Section XXI. Off-Street Parking:</b> Part D.1: Parking Permit required for construction of parking area (for 5 or more cars but not including parking for residents and guests of one and two-family dwellings) in accordance with Development Standards. <sup>2</sup>	The project does not contain a single parking area of 15 or more spaces to make the Development Standards of Part D.3 applicable. Furthermore, two-family dwellings are excluded from the definition of parking area. However, to the extent these standards and procedures are found to apply to the project, waivers are sought to allow for 88 total resident parking

<sup>2</sup> The table at Part D.2 does not include a minimum number of parking spaces for Town House, Two-Family or Multi-Family use in Single Residence Districts. For reference, the project will meet and exceed the require of 2 spaces per dwelling unit applicable for Town House use in the Town House and General Residence/A Districts.

	spaces (2 per dwelling unit) and 24 guest spaces with 22 foot maneuvering aisles as shown on the project plans. The Wellesley ZBA shall be the sole local permit granting authority for issuance of a Comprehensive Permit under MGL c.40B for the project.
<b>Section XXII. Design Review:</b>  Signage and Project Approvals reviewed by Design Review Board.	Waiver from applicable requirements and procedures such that the Wellesley ZBA shall be the sole local permit granting authority under MGLc.40B.
<b>Section XXIIA. Signs:</b>  Design Review Board, Building Commissioner and/or ZBA review of quantity, location and design of signs per local specifications.	Waiver from applicable requirements and procedures such that the Wellesley ZBA shall be the sole local permit granting authority under MGLc.40B. authorizing project monument and any other applicable signage parameters to be established in the course of the Comprehensive Permit process.
<b>Section XXIID. Retaining Walls:</b>  <ul style="list-style-type: none"> <li>• Retaining walls four feet or greater shall not be located within 10 feet of a property line</li> <li>• Design review and permitting. Design Review shall be required for all retaining walls requiring a permit, as determined by the Inspector of Buildings, and retaining seven feet or more of unbalanced fill.</li> <li>• A permit shall be required for all retaining walls that retain four or more feet of unbalanced fill.</li> </ul>	Waiver from applicable requirements and procedures such that the Wellesley ZBA shall be the sole local permit granting authority under MGLc.40B. authorizing final retaining wall heights and locations throughout the site upon finalization of project design prior to issuance of a Comprehensive Permit for the project.
<b><i>General Bylaws</i></b>	
<b>Article 44. Wetlands Protection Bylaw and Regulations:</b>	Waiver from applicable requirements and procedures such that the Wellesley ZBA shall be the sole local permit granting authority under MGLc.40B. to authorize project. While the project requires limited alteration of Lands Within 200 feet of Rivers (of pond inlets and outlets), a resource area only under the local wetlands bylaw, the project will comply with and remains outside of jurisdictional resource areas and buffer zone established under MA Wetlands Protection Act

	and MADEP regulations 310 CMR 10, including Riverfront Area.
<b><i>Rules and Regulations Governing the Subdivision of Land in the Town of Wellesley</i></b>	
<b>Section II.D. One Dwelling Per Lot.</b>  <i>Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the Town, without the consent of the Planning Board, and such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.</i>	Waiver from this requirement and any other applicable design requirements and procedures of these subdivision rules and regulations such that the Wellesley ZBA shall be the sole local permit granting authority under MGLc.40B. to authorize the project, consisting of 44 dwellings on a single 12.05± acre lot as shown on the project plans.