THE RESIDENCES OF SOUTH BROOKLINE
PROPOSED WAIVER LIST
December 4, 2014

Brookline Zoning Bylaws						
Bylaw Section	**Requirement**	**Applicable District(s)**	**Lot(s) Affected**	**Requested Waiver(s)**	**Details of Proposal Requiring Waiver**	**Waiver No.**
§4.04	Limitation of Area of Accessory Uses	S-7; M-0.5	W, E1, E2, E3	Waiver to allow accessory uses (parking) within front and side setback areas.	The Development will include parking within required setback areas.	A
§4.07(6) – *Table of Use Regulations* and §4.08	Multifamily Uses	S-7	W, E1, E2, E3	Waiver to allow multifamily uses within the S-7 zoning district. Special permit and local affordability requirements inapplicable.	The Development is a multifamily housing development containing 12 buildings and 161 dwelling units, of which 10 "infill" buildings and 52 dwelling units will be located in the S-7 zoning district.[1] The Comprehensive Permit, as may be granted by Zoning Board of Appeals, shall provide all local permits per M.G.L. c. 40B.	B
§4.07(22) and (55) – *Table of Use Regulations*	Residential Parking Areas	S-7; M-0.5	W, E1, E2, E3	Waivers to allow residential parking garages or parking areas with more than three spaces as a secondary use for storage of vehicles of residents on other lots in excess of 1,400' distant.	The Development's parking spaces will be available to all of its residents, regardless of whether such residents live on the same lot, and regardless of the distance between the relevant parking space and lot.	C
§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 9 will be located approximately 28' from Building 10, within the required front yard of Building 10.	D
§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' rear yard.	As shown on the Waiver Plan, in one location on the Site, Building 9 will be located approximately 28'from Building 10, within the required rear yard of Building 9.	E
§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.	F

[1] 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.

§5.10, §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 109 units within the M-0.5 District on Lot E2. The entire development will have a lot size of approximately 379,933 sf, allowing a total of 189 units (161 units are proposed).	G
§5.20 and Table 5.01	Maximum FAR	S-7 M-0.5	E1 E2	Waiver from maximum ratios of gross floor area to lot area (0.5 in M-0.5 district and 0.35 in the S-7 District).	On Lot E-1 the development will have a FAR of approximately 0.51. With respect to the portion of Lot E-2 within the M-0.5 District, the apartment building will have a gross floor area of approximately 128,019 sf and a lot size of approximately 89,266 sf, resulting in an FAR of approximately 1.44. The entire Development will have an FAR of approximately 0.57.	H
§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 12 will have a height of approximately 237.4', measured in accordance with Sections 5.30-5.32. This is approximately 21.1' over the allowed height of approximately 216.3'[2]	I
§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' setback provided for Building 5. Minimum 8' setback provided for Building 12. Minimum 3' setback provided for Building 9.	J
§5.55	Front Yard for Rear Lot	S-7	W	Waiver to allow less than required front yard depth for building located on rear lot.	Building 3 will be set back approximately 1' from lot line parallel to Independence Drive	K

[2] See separate "Building Height Calculation Plan" prepared by Stantec dated November 20, 2014.
[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.

§5.60, §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 12.	L
		S-7	W, E1, E2, 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 4' provided for Building 7. Minimum 5' provided for Building 8. Minimum 6' setback provided for Building 9. Minimum 7'3" setback provided for Building 10. Minimum 10' setback provided for Building 11. Retaining walls within side yards of Buildings 9 and 12 may exceed 7' in height.	M
§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 12.	N
		S-7	E1, E2, E3, W	Waiver from 40' minimum rear yard requirement.	Minimum 1' setback provided for Building 3. Minimum 1' provided for Building 7. Minimum 1' provided for Building 8. Minimum 14' setback provided for Building 11.	O
§5.91 and Table 5.01	Minimum Usable Open Space	M-0.5	E2	Waiver from the requirement that at least 30% of the gross floor area on each lot will be usable open space.	On Lot E2 within the M-0.5 District, 14,361 sf of Usable Open Space will be provided, which is approximately 11% of the gross floor area of the structure on Lot E2 in the M-0.5 District.	P
§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 1.26 parking spaces per 1 or 2-bedroom dwelling unit. .	Q
§6.04.5.c.4	Parking area setback	S-7	W, E1, E2, E3	Waiver from the requirement to setback parking spaces from the front lot line a distance equal to the greater of the required building setback (30') or the average of the setbacks of	On all lots within the S-7, parking areas will contain more than six spaces, but will be set back less than 30' from front, side, and rear lot lines.	R

				buildings on adjacent lots on either side.		

Brookline General Bylaws					
Bylaw Section	**Requirement**	**Lot(s) Affected**	**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.	S

THE RESIDENCES OF SOUTH BROOKLINE
PROPOSED PARKING WAIVER LIST
December 4, 2014

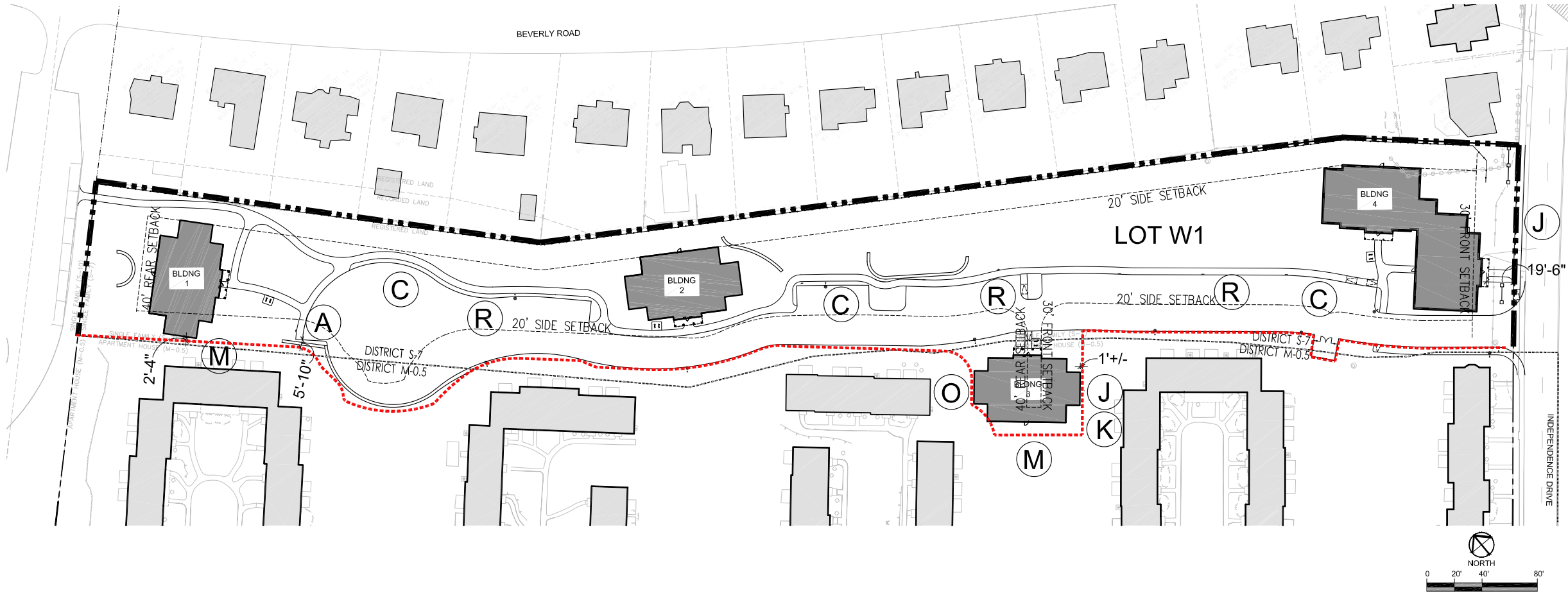
Bylaw Section	Requirement	Applicable District(s)	Requested Waiver(s)	Details of Proposal Requiring Waiver	Waiver No.
LOT W 41 spaces required, 61 provided					
§4.04	Limitation of Area of Accessory Uses	S-7	Waiver to allow accessory uses (parking) within front and side yard setback areas.	Parking spaces will be provided within required setback areas; approximately 4' setback will be provided.	A
§4.07(22) and (55) – *Table of Use Regulations*	Residential Parking Areas	S-7	Waivers to allow residential parking garages or parking areas as a secondary use with more than three spaces for storage of cars of residents on other lots and in excess of 1,400' distant.	The lot's parking spaces will be available to all residents within the Development, regardless of whether such residents live on the same lot, and regardless of the distance between the relevant parking space and lot.	C
§6.04.5.c.4	Parking area setback	S-7	Waiver from the requirement to setback parking spaces from the front lot line a distance equal to the greater of the required building setback (30') or the average of the setbacks of buildings on adjacent lots on either side.	The lot's parking areas will contain more than six spaces, but will be set back less than 30' feet from front, side, and rear lot lines.	R
LOT E1 32 spaces required, 41 provided					
§4.04	Limitation of Area of Accessory Uses	S-7	Waiver to allow accessory uses (parking) within front and side yard setback areas.	Parking spaces will be provided within required setback areas; approximately 0' setback will be provided.	A
§4.07(22) and (55) – *Table of Use Regulations*	Residential Parking Areas	S-7	Waivers to allow residential parking garages or parking areas as a secondary use with more than three spaces for storage of cars of residents on other lots and in excess of 1,400' distant.	The lot's parking spaces will be available to all residents within the Development, regardless of whether such residents live on the same lot, and regardless of the distance between the relevant parking space and lot.	C
§6.04.5.c.4	Parking area setback	S-7	Waiver from the requirement to setback parking spaces from the front lot line a distance equal to the greater of the required building setback (30') or the average of the setbacks of buildings on	The lot's parking areas will contain more than six spaces, but will be set back less than 30' feet from front, side, and rear lot lines.	R

			adjacent lots on either side.		

LOT E2 226 spaces required, 142 provided					
§4.04	Limitation of Area of Accessory Uses	S-7	Waiver to allow accessory uses (parking) within front and side yard setback areas.	Parking spaces will be provided within required setback areas; approximately 4' setback will be provided.	A
§4.07(22) and (55) – *Table of Use Regulations*	Residential Parking Areas	S-7; M-0.5	Waivers to allow residential parking garages or parking areas as a secondary use with more than three spaces for storage of cars of residents on other lots and in excess of 1,400' distant.	The lot's parking spaces will be available to all residents within the Development, regardless of whether such residents live on the same lot, and regardless of the distance between the relevant parking space and lot.	C
§6.02, Paragraph 1, Table of Off-Street Parking Requirements	Number of Parking Spaces per Dwelling Unit	M-0.5	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, the Development will provide 1.26 parking spaces per dwelling unit.[1]	Q
§6.04.5.c.4	Parking area setback	S-7	Waiver from the requirement to setback parking spaces from the front lot line a distance equal to the greater of the required building setback (30') or the average of the setbacks of buildings on adjacent lots on either side.	The lot's parking areas will contain more than six spaces, but will be set back less than 30' feet from front, side, and rear lot lines.	R
LOT E3 24 spaces required, 48 provided					
§4.04	Limitation of Area of Accessory Uses	S-7	Waiver to allow accessory uses (parking) within front and side yard setback areas.	Parking spaces will be provided within required setback areas; approximately 4' setback will be provided.	A
§4.07(22) and (55) – *Table of Use*	Residential Parking Areas	S-7	Waivers to allow residential parking garages or parking areas as a secondary	The lot's parking spaces will be available to all residents within the Development, regardless of	C

[1] The Applicant requests waivers from §4.07(22) and (55) to allow the Applicant to provide the required number of parking spaces on other lots within the Development, which would, if granted, render this request unnecessary.

Regulations			use with more than three spaces for storage of cars of residents on other lots and in excess of 1,400' distant.	whether such residents live on the same lot, and regardless of the distance between the relevant parking space and lot.	
§6.04.5.c.4	Parking area setback	S-7	Waiver from the requirement to setback parking spaces from the front lot line a distance equal to the greater of the required building setback (30') or the average of the setbacks of buildings on adjacent lots on either side.	The lot's parking areas will contain more than six spaces, but will be set back less than 30' feet from front, side, and rear lot lines.	R



LEGEND

- PROPERTY LINE
- TOWN LINE
- LEASE LINE
- 7.5' PARKING SETBACK
- YARD SETBACK
- (A) WAIVER

WAIVER (B) : BUILDINGS 1, 2 AND 4

WAIVER (F) : ENTIRE LOT

WAIVER (S) : ENTIRE LOT

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VARIOUS EDITS	JPM	TPK	12.04.14
WAIVER LIST	JPM	TPK	11.20.14

File Name:	Dwn.	Chkd.	Dsgn.	MM.DD.YY
	JM			

Permit-Seal

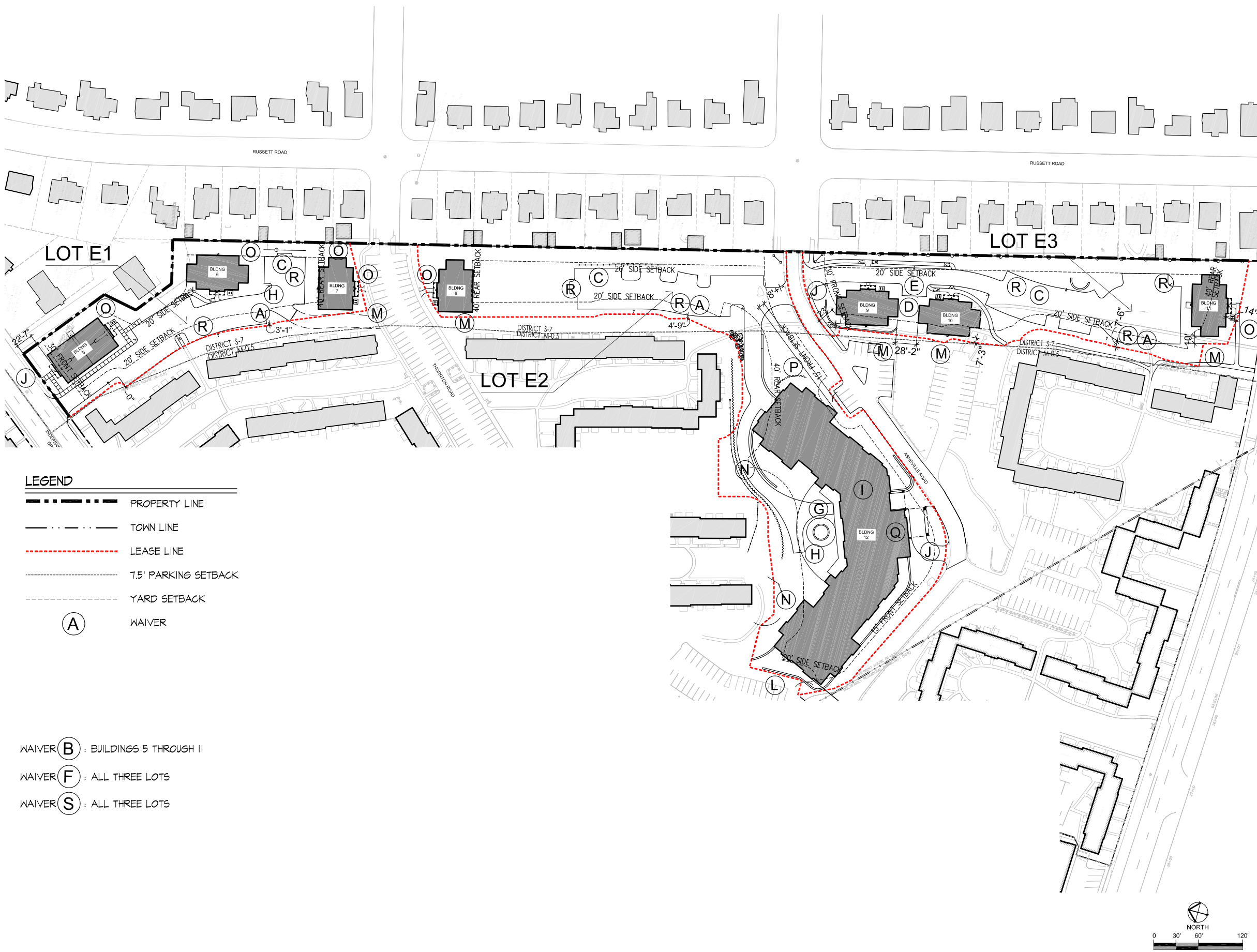
Client/Project
CHESTNUT HILL REALTY
THE RESIDENCES OF SOUTH BROOKLINE
BROOKLINE, MA

Title
WAIVER PLAN WEST

Project No. 210810271

Scale AS NOTED

Drawing No.
L101



LEGEND

- PROPERTY LINE
- TOWN LINE
- LEASE LINE
- 7.5' PARKING SETBACK
- YARD SETBACK
- (A) WAIVER

WAIVER (B) : BUILDINGS 5 THROUGH 11

WAIVER (F) : ALL THREE LOTS

WAIVER (S) : ALL THREE LOTS

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	JM			

Permit-Seal

Client/Project

CHESTNUT HILL REALTY

THE RESIDENCES OF SOUTH BROOKLINE

BROOKLINE, MA

Title

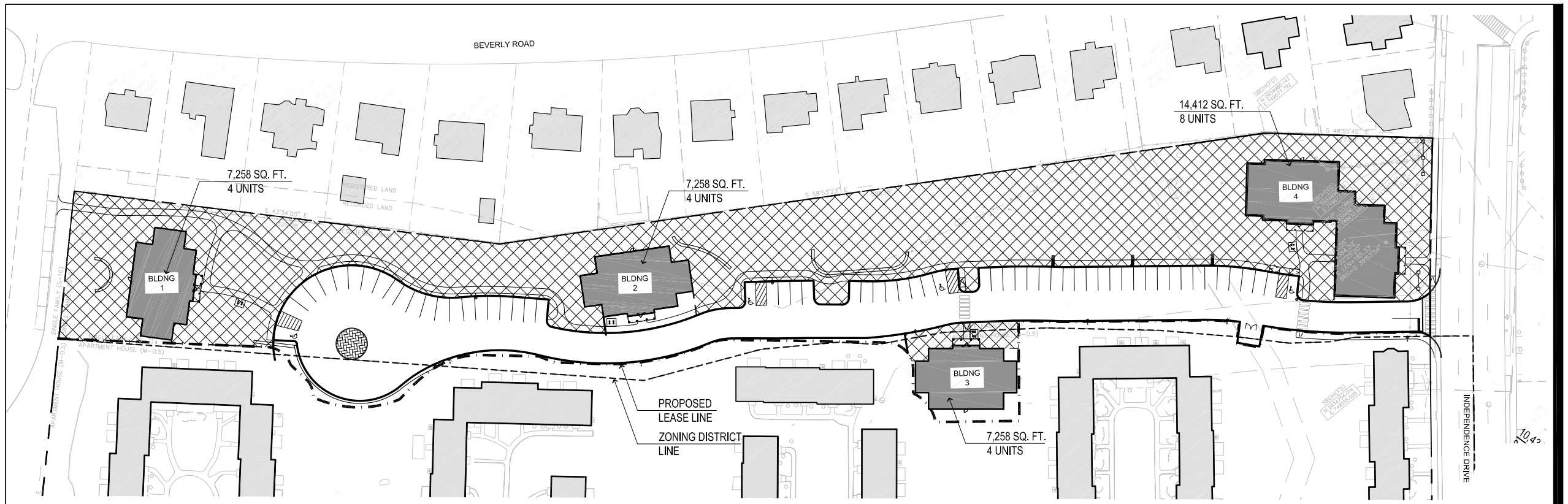
WAIVER PLAN NORTHEAST

Project No. 210810271

Scale AS NOTED

Drawing No.

L102



WEST 1 LOT

KEY	CATERGORY	PROPOSED
	SQ. FT. LOT SIZE	126,697 SQ.FT.
	G.S.F BUILDINGS	36,186 SQ.FT.
	UNITS	20
	LANDSCAPED OPEN SPACE	70,563 SQ. FT.
	PARKING SPACES	61
	F.A.R	0.29

*LANDSCAPED OPEN SPACE DEFINITION AND REQUIREMENTS TAKEN FROM TOWN OF BROOKLINE, MASSACHUSETTS ZONING BY-LAW, SECTION 5.91

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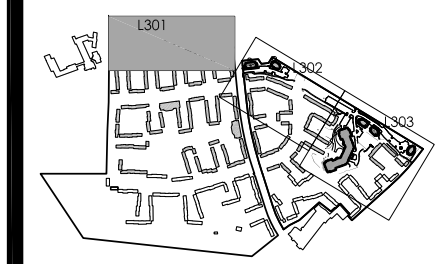

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VARIOUS EDITS	JPM	TPK	12.04.14
VARIOUS EDITS	JM/AL	TPK	11.26.14
VARIOUS EDITS	CEL	TPK	08.22.14
VARIOUS EDITS	JM/CL	TPK	07.11.14
VARIOUS EDITS	NRB	TPK	07.03.14
VARIOUS EDITS	NRB	TPK	06.22.14
VARIOUS EDITS	NRB	TPK	04.08.13
COMPREHENSIVE PERMIT APPLICATION	JPM	TPK	11.26.13

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	JM, CM			

Permit-Seal

Client/Project
CHESTNUT HILL REALTY

THE RESIDENCES OF SOUTH BROOKLINE

BROOKLINE, MA

Title
WAIVER CALCULATION PLAN WEST

Project No. 210810271

Scale AS NOTED

Drawing No.
L104

EAST 1 LOT

KEY	CATERGORY	PROPOSED
	SQ. FT. LOT SIZE	48,350 SQ.FT.
	G.S.F BUILDINGS	24,638 SQ.FT.
	UNITS	16
	LANDSCAPED OPEN SPACE	17,373 SQ. FT.
	PARKING SPACES	41
	F.A.R	0.51

*LANDSCAPED OPEN SPACE DEFINITION AND REQUIREMENTS TAKEN FROM TOWN OF BROOKLINE, MASSACHUSETTS ZONING BY-LAW, SECTION 5.91

NORTH

0 20' 40' 80'

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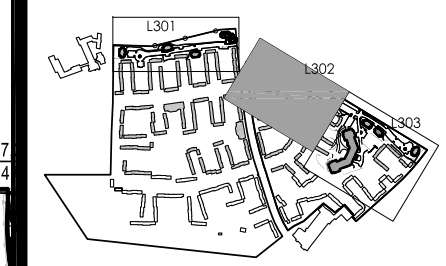

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	JM, CM			

Permit-Seal

Client/Project

CHESTNUT HILL REALTY

THE RESIDENCES OF
SOUTH BROOKLINE

BROOKLINE, MA

Title

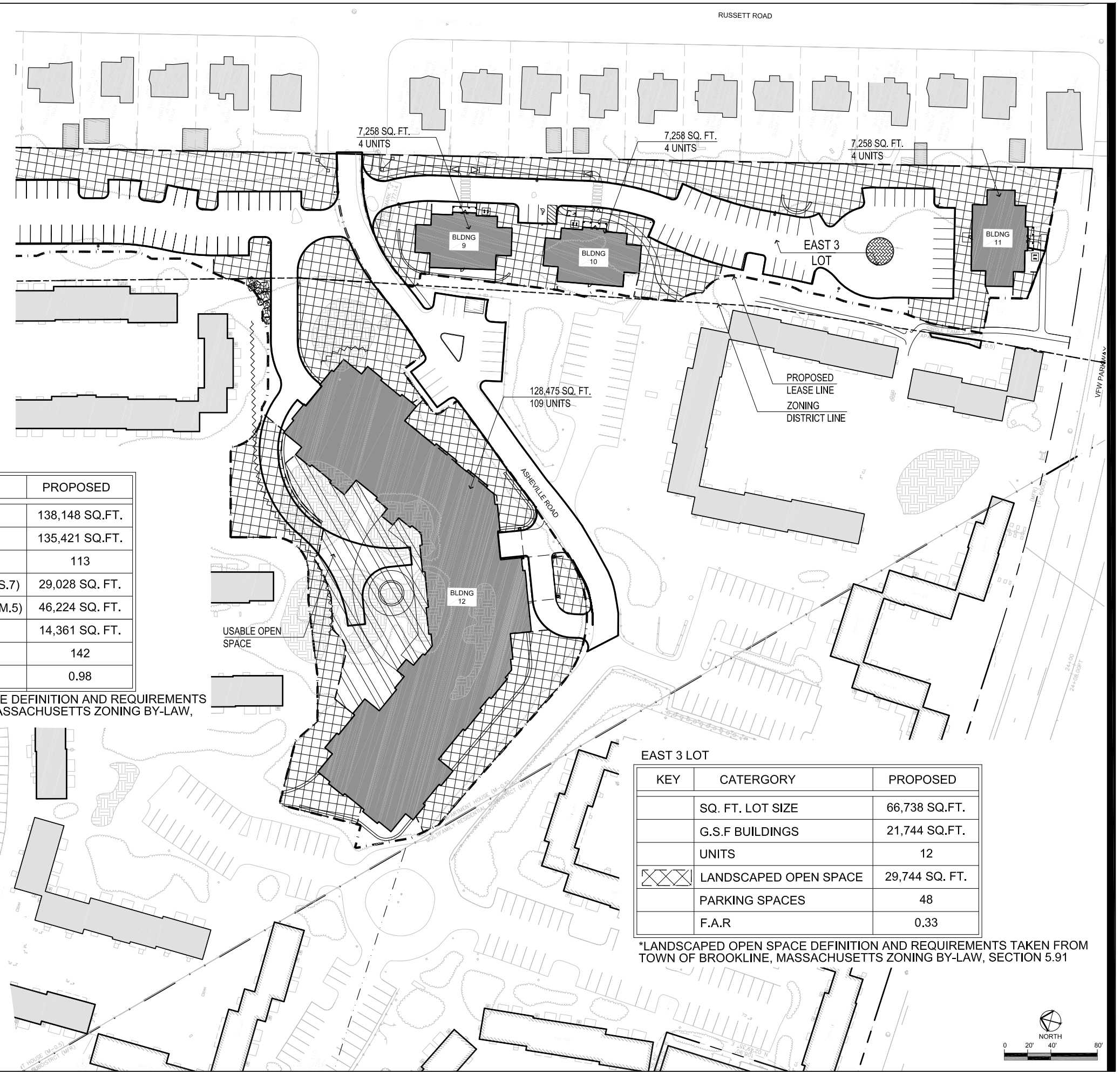
WAIVER CALCULATION
PLAN NORTHEAST

Project No. 210810271

Scale AS NOTED

Drawing No.

L105



EAST 2 LOT

KEY	CATERGORY	PROPOSED
	SQ. FT. LOT SIZE	138,148 SQ.FT.
	G.S.F BUILDINGS	135,421 SQ.FT.
	UNITS	113
	LANDSCAPED OPEN SPACE (S.7)	29,028 SQ. FT.
	LANDSCAPED OPEN SPACE (M.5)	46,224 SQ. FT.
	USABLE OPEN SPACE (M.5)	14,361 SQ. FT.
	PARKING SPACES	142
	F.A.R	0.98

*LANDSCAPED AND USABLE OPEN SPACE DEFINITION AND REQUIREMENTS TAKEN FROM TOWN OF BROOKLINE, MASSACHUSETTS ZONING BY-LAW, SECTION 5.91

EAST 3 LOT

KEY	CATERGORY	PROPOSED
	SQ. FT. LOT SIZE	66,738 SQ.FT.
	G.S.F BUILDINGS	21,744 SQ.FT.
	UNITS	12
	LANDSCAPED OPEN SPACE	29,744 SQ. FT.
	PARKING SPACES	48
	F.A.R	0.33

*LANDSCAPED OPEN SPACE DEFINITION AND REQUIREMENTS TAKEN FROM TOWN OF BROOKLINE, MASSACHUSETTS ZONING BY-LAW, SECTION 5.91

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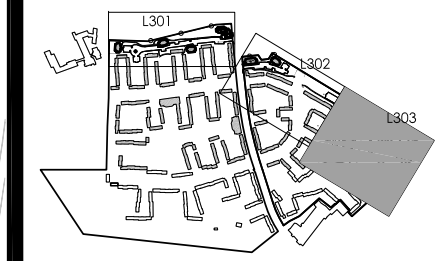

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VARIOUS EDITS	NRB	TPK	07.03.14
VARIOUS EDITS	NRB	TPK	06.22.14
VARIOUS EDITS	NRB	TPK	04.08.13
COMPREHENSIVE PERMIT APPLICATION	JPM	TPK	11.26.13

File Name:	JM, CM			MM.DD.YY
	Dwn.	Chkd.	Dsgn.	

Permit-Seal

Client/Project
CHESTNUT HILL REALTY

THE RESIDENCES OF
SOUTH BROOKLINE

BROOKLINE, MA

Title
WAIVER CALCULATION
PLAN SOUTHEAST

Project No. 210810271
Scale AS NOTED

Drawing No.
L106

Overall Site Information	
Measurement	Provided
Lot Area	379,933 sf
Gross Floor Area	235,185
Floor Area Ratio	2.11
Dwelling Units	161
Parking	292 (2 spaces per 1 or 2-bedroom unit and 2.3 per 3-bedroom unit, waiver required)

						Landscaped Open Space			Usable Open Space			Parking	
	Lot size	GFA	FAR	Units	Lot area required*	Required	Required	Provided	Required	Required	Provided	Required	Provided
Lot W1	126,697	36,186	0.29	20	41,000	30%	10,856	70,563	-	-	-	41	61
Lot E1	48,350	24,638	0.51	16	33,000	30%	7,391	17,373	-	-	-	32	41
Lot E2	138,148	135,421	0.98	113	227,000	10%	13,542	75,252	30%	40,626	46,044	226	142
Lot E3	66,738	21,774	0.33	12	25,000	30%	6,532	29,744	-	-	-	24	48
Total	379,933	218,019	0.57	161	323,000			192,932			46,044	323	292
Lot E2 S-7 district only	48,882	6,946	0.14	4	9,000	30%	2,084	29,028	-	-	-		
Lot E2 M-0.5 district only	89,266	128,475	1.44	109	218,000	10%	12,848	46,224	30%	38,543	14,361		

Assumption Lot W is all in S7 district

* Lot area required is 3000 sf for first unit, 2000 sf for every one thereafter