

**THE RESIDENCES OF SOUTH BROOKLINE  
PROPOSED WAIVER LIST  
January 9, 2015**

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) – <i>Table of Use Regulations</i> 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 48 dwelling units will be located in the S-7 zoning district. <sup>1</sup> 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) – <i>Table of Use Regulations</i>	Residential Parking Areas	S-7; M-0.5	W, E1, E2, E3	Waivers to allow residential 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.	Except for the parking garage, which will be available to only residents of Building 12, 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 10 will be located approximately 28’ from Building 9, 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

<sup>1</sup> Building 3 (containing four units) will technically be located within the portion of Lot W located within the M-0.5; however, except as expressly noted herein, 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, W	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. On Lot W, the Development will have a lot size of approximately 8,270 sf within the M-0.5 District, allowing 3.64 total units. Within the M-0.5 District, the Development will include approximately 109 on Lot E2 and 4 units on Lot W. 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, W	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 E1, the Development will have a FAR of approximately 0.51. On Lot E2, within the M-0.5 District, the Development will have an FAR of approximately 1.55. On Lot W, within the M-0.5 District, the Development will have an FAR of approximately 0.88. The entire Development will have an FAR of approximately 0.60.	H
§5.30-5.32 and Table 5.01	Maximum Height of Buildings	S-7 M-0.5	W, E1, E2	Waiver from maximum building height limitations, as calculated pursuant to Sections 5.30-5.32. <sup>2</sup>	On Lot W, Building 1 will have a height of approximately 206.83', which is approximately 6.2' over the allowed height of 200.63'. Building 2 will have a height of approximately 203.83', which is approximately 3.2' over the allowed height of 200.63'. Building 3 will have a height of approximately 199.83', which is approximately 0.57' over the allowed height of 199.26'. On Lot E1, Building 5 will have a height of approximately 199.33', which is approximately 0.93' over the allowed height of 198.40'. Building 6 will have a height of approximately 206.33', which is approximately 2.13' over the allowed height of 204.20'. Building 7 will have a height of approximately 211.13', which is approximately 7.13' over the allowed height of 204.20'. On Lot E2,	I

<sup>2</sup> See separate "Building Height Calculation Plan" prepared by Stantec dated January 9, 2015. All height measurements provided in this table represent the building's elevation above the Brookline Town Base Elevation.

					Building 12 will have a height of approximately 237.44', which is approximately 21.66' over the allowed height of 215.78'.	
§5.50, §5.52 and Table 5.01	Minimum Front Yard <sup>3</sup>	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. Retaining walls within front yards of Buildings 9 and 12 may exceed 7' in height.	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
§5.60, §5.62, §5.63, and Table 5.01	Minimum Side Yard <sup>3</sup>	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), and to allow light poles in excess of 15' in height within side yard.	Minimum 10' setback provided for Building 12. Light poles will be approximately 17' in height.	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, and to allow light poles in excess of 15' in height within side yard.	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. Light poles will be approximately 17' in height.	M
§5.70, §5.72, §5.74 and Table 5.01	Minimum Rear Yard <sup>3</sup>	M-0.5	E2	Waiver from 30' minimum rear yard requirement, and to allow light poles in excess of 15' in height within rear yard.	Minimum 19' setback provided for Building 12. Light poles will be approximately 17' in height.	N
		S-7	E1, E2,	Waiver from 40' minimum rear	Minimum 1' setback provided for Building 3.	O

<sup>3</sup> 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.

			E3, W	yard requirement and allow light poles in excess of 15' in height within rear yard.	Minimum 1' provided for Building 7. Minimum 1' provided for Building 8. Minimum 14' setback provided for Building 11. Retaining walls within rear yards of Building 12 may exceed 7' in height. Light poles will be approximately 17' in height.	
§5.91 and Table 5.01	Minimum Usable Open Space	M-0.5	W, E2	Waiver from the requirement that at least 30% of the gross floor area on each lot will be usable open space.	On Lot W, within the M-0.5 District, 0 sf of Usable Open Space will be provided. On Lot E2, within the M-0.5 District, 14,361 sf of Usable Open Space will be provided, which is approximately 10% 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 buildings on adjacent lots on either side.	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
§7.01.1, §7.02.1	Signage	S-7; M-0.5	W, E1, E2, E3	Waiver from the limitations on the number, size, and types of permanent and construction signs allowed in the S-7.	The Project shall have identification signs measuring approximately 15 sf in area in the locations shown on Sheets L301, L302, and L303 of the Plans. During construction, each lot will have a temporary construction sign of approximately 20 square feet in area.	S

**Brookline General Bylaws**

<b>Bylaw Section</b>	<b>Requirement</b>	<b>Lot(s) Affected</b>	<b>Requested Waiver or Waiver</b>	<b>Details of Proposal Requiring Waiver</b>	<b>Waiver No.</b>
§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.	T

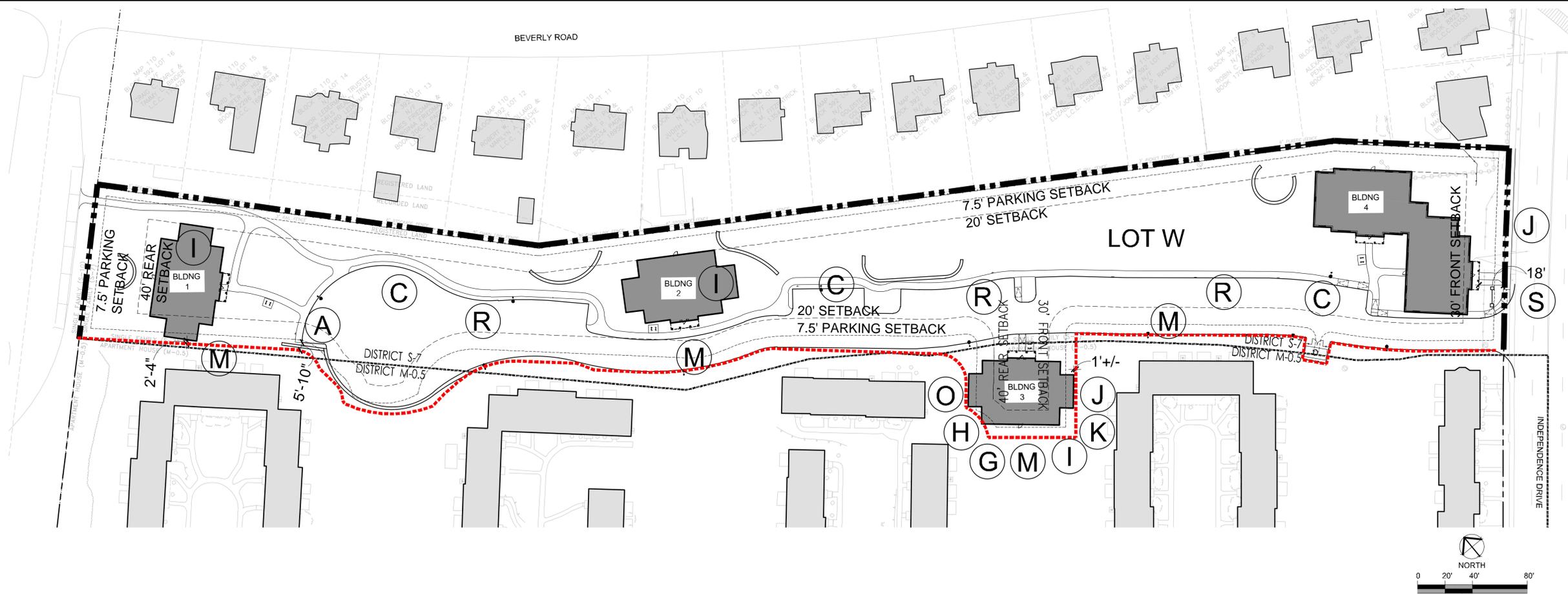
Overall Site Information	
Measurement	Provided
Lot Area	379,933 sf
Gross Floor Area	227,658
Floor Area Ratio	2.11
Dwelling Units	161
	292
Parking	(2 spaces per 1 or 2-bedroom unit and 2.3 per 3-bedroom unit, waiver required)

	Lot size	GFA	FAR	Units	Lot area required*	Landscaped Open Space			Usable Open Space			Parking	
						Required	Required	Provided	Required	Required	Provided	Required	Provided
Lot W	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	17,828	-	-	-	32	41
Lot E2	138,148	145,060	1.05	113	227,000	30%	43,518	75,413	-	-	-	226	142
Lot E3	66,738	21,774	0.33	12	25,000	30%	6,532	30,368	-	-	-	24	48
<b>Total</b>	<b>379,933</b>	<b>227,658</b>	<b>0.60</b>	<b>161</b>	<b>323,000</b>			<b>194,172</b>				<b>323</b>	<b>292</b>
Lot W S-7 district only	118,427	28,928	0.24	16	33,000	30%	8,678	69,182	-	-	-		
Lot W M-0.5 district only	8,270	7,258	0.88	4	9,000	10%	726	1,745	30%	2,177	0		
Lot E2 S-7 district only	48,882	6,946	0.14	4	9,000	30%	2,084	29,189	-	-	-		
Lot E2 M-0.5 district only	89,266	138,114	1.55	109	218,000	10%	13,811	46,224	30%	41,434	14,361		

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

Building 1	7,258 GSF
Building 2	7,258 GSF
Building 3	7,258 GSF
Building 4	14,412 GSF
Building 5	10,434 GSF
Building 6	7,258 GSF
Building 7	6,946 GSF
Building 8	6,946 GSF
Building 9	7,258 GSF
Building 10	7,258 GSF
Building 11	7,258 GSF
Building 12	138,114 GSF

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**LEGEND**

- PROPERTY LINE
- TOWN LINE
- LEASE LINE
- 7.5' PARKING SETBACK
- YARD SETBACK
- WAIVER

BUILDING #	FLOOR	GFA PER FLOOR
BUILDING 1	1ST FLOOR	3,294 SQ. FT.
	2ND FLOOR	2,670 SQ. FT.
	3RD FLOOR	1,294 SQ. FT.
	TOTAL	7,258 SQ. FT.

BUILDING #	FLOOR	GFA PER FLOOR
BUILDING 2	1ST FLOOR	3,294 SQ. FT.
	2ND FLOOR	2,670 SQ. FT.
	3RD FLOOR	1,294 SQ. FT.
	TOTAL	7,258 SQ. FT.

BUILDING #	FLOOR	GFA PER FLOOR
BUILDING 3	1ST FLOOR	3,294 SQ. FT.
	2ND FLOOR	2,670 SQ. FT.
	3RD FLOOR	1,294 SQ. FT.
	TOTAL	7,258 SQ. FT.

BUILDING #	FLOOR	GFA PER FLOOR
BUILDING 4	1ST FLOOR	6,484 SQ. FT.
	2ND FLOOR	5,340 SQ. FT.
	3RD FLOOR	2,588 SQ. FT.
	TOTAL	14,412 SQ. FT.

- WAIVER **(B)** : BUILDINGS 1, 2 AND 4
- WAIVER **(F)** : ENTIRE LOT
- WAIVER **(T)** : ENTIRE LOT

NOTE: WAIVER NUMBERS CORRESPOND TO REQUESTED WAIVER LIST, SUBMITTED TO TOWN ON JANUARY 9, 2015.

VARIOUS EDITS	JPM/ECG	TPK	01.09.15
VARIOUS EDITS	JPM/ECG	TPK	01.05.15
VARIOUS EDITS	JPM	TPK	12.11.14
VARIOUS EDITS	JPM	TPK	12.22.14
WAIVER LIST	JPM	TPK	11.20.14
Issued	By	Appd.	MM.DD.YY

File Name:	JM	Dwn.	Chkd.	Dgn.	MM.DD.YY
Permit-Seal					

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

Title  
**WAIVER PLAN WEST**

Project No. 210810271  
 Scale AS NOTED

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**LEGEND**

- PROPERTY LINE
- TOWN LINE
- LEASE LINE
- 7.5' PARKING SETBACK
- YARD SETBACK
- WAIVER

WAIVER **(B)** : BUILDINGS 5 THROUGH 11  
 WAIVER **(F)** : ALL THREE LOTS  
 WAIVER **(T)** : ALL THREE LOTS

BUILDING #	FLOOR	GFA PER FLOOR
BUILDING 5	1ST FLOOR	4,077 SQ. FT.
	2ND FLOOR	4,077 SQ. FT.
	3RD FLOOR	2,280 SQ. FT.
	<b>TOTAL</b>	<b>10,434 SQ. FT.</b>

BUILDING #	FLOOR	GFA PER FLOOR
BUILDING 6	1ST FLOOR	3,294 SQ. FT.
	2ND FLOOR	2,670 SQ. FT.
	3RD FLOOR	1,294 SQ. FT.
	<b>TOTAL</b>	<b>7,258 SQ. FT.</b>

BUILDING #	FLOOR	GFA PER FLOOR
BUILDING 7	1ST FLOOR	2,982 SQ. FT.
	2ND FLOOR	2,670 SQ. FT.
	3RD FLOOR	1,294 SQ. FT.
	<b>TOTAL</b>	<b>6,946 SQ. FT.</b>

BUILDING #	FLOOR	GFA PER FLOOR
BUILDING 8	1ST FLOOR	2,982 SQ. FT.
	2ND FLOOR	2,670 SQ. FT.
	3RD FLOOR	1,294 SQ. FT.
	<b>TOTAL</b>	<b>6,946 SQ. FT.</b>

BUILDING #	FLOOR	GFA PER FLOOR
BUILDING 9	1ST FLOOR	3,294 SQ. FT.
	2ND FLOOR	2,670 SQ. FT.
	3RD FLOOR	1,294 SQ. FT.
	<b>TOTAL</b>	<b>7,258 SQ. FT.</b>

BUILDING #	FLOOR	GFA PER FLOOR
BUILDING 10	1ST FLOOR	3,294 SQ. FT.
	2ND FLOOR	2,670 SQ. FT.
	3RD FLOOR	1,294 SQ. FT.
	<b>TOTAL</b>	<b>7,258 SQ. FT.</b>

BUILDING #	FLOOR	GFA PER FLOOR
BUILDING 11	1ST FLOOR	3,294 SQ. FT.
	2ND FLOOR	2,670 SQ. FT.
	3RD FLOOR	1,294 SQ. FT.
	<b>TOTAL</b>	<b>7,258 SQ. FT.</b>

BUILDING #	FLOOR	GFA PER FLOOR
BUILDING 12	1ST FLOOR	34,008 SQ. FT.
	2ND FLOOR	34,008 SQ. FT.
	3RD FLOOR	34,008 SQ. FT.
	4TH FLOOR	26,451 SQ. FT.
	LOWER GARAGE	3,585 SQ. FT.
	UPPER GARAGE	6,054 SQ. FT.
<b>TOTAL</b>	<b>138,114 SQ. FT.</b>	

NOTE: WAIVER NUMBERS CORRESPOND TO REQUESTED WAIVER LIST, SUBMITTED TO TOWN ON JANUARY 9, 2015.

VARIOUS EDITS	JPM/EG	TPK	01.09.15
VARIOUS EDITS	JPM/EG	TPK	01.05.15
VARIOUS EDITS	JPM	TPK	12.11.14
VARIOUS EDITS	JPM	TPK	12.22.14
WAIVER LIST	JPM	TPK	11.20.14
Issued	By	Appd.	MM.DD.YY

File Name:	JM	Dwn	Chkd	Dsgn	MM.DD.YY
Permit-Seal					

Client/Project  
 CHESTNUT HILL REALTY  
 THE RESIDENCES OF SOUTH BROOKLINE  
 BROOKLINE, MA  
 Title  
 WAIVER PLAN NORTHEAST

Project No.	Scale
210810271	AS NOTED

