

Waiver Requests

Through the Comprehensive Permit, the Hingham Board of Appeals has the authority under M.G.L. chapter 40B and its implementing regulations to waive requirements of local bylaws; further, the Board of Appeals can act on behalf of any local permitting authority through the Comprehensive Permit process. The project plans reflect an attempt to minimize the number of waivers requested and we believe reflects a plan that is contextually appropriate on several different levels. Following please find a preliminary table of the waivers necessary to permit the proposed project; this list will be updated as necessary as permitting proceeds.

WAIVERS FROM ZONING			
LOCAL REGULATION	REQUIREMENT*	PROPOSED	SIGNIFICANCE/ EXPLANATION
1. Section III-A – Schedule of Uses Sub-Section 1.5	Multi-family dwelling use not allowed in an Office Park District	Waiver to allow multi-family dwellings in the Office Park District	<i>No project without this waiver.</i>
2. Section IV- A – Dimensional Requirements	Max. Bldg. Height = 35 ft. Max. Floor Area Ratio = 0.15 Min. Front Yard = 100 feet	Waiver to allow: Bldg. Height = 72+/- ft. Floor Area Ratio = 1.15 Front Yard = 81.0 feet	<i>No project without this waiver.</i>
3. Section IV-B – Special Requirement to Schedule of Dimensional Requirements Sub-Section 5	Min. 20’ wide open & green space maintained along entirety of property line. Max. 20% of property can be occupied by buildings.	Waiver to allow 24.3% building coverage and to allow less than 20’ of open & green space maintained along property line.	<i>No project without this waiver.</i>
4. Section IV- B Sub-Section 6	Site Plan Review be performed by the Planning Board	Waiver requested.	<i>Consistent with Chapter 40B regulations</i>
5. Section IV- C – General Intensity Provisions Sub-Section 4	No more than one dwelling unit per any single lot.	Waiver to allow 300 dwelling units on a single lot.	<i>No project without this waiver.</i>
6. Section IV-E- Residential Multi-Unit Development Sub-Section 1B	The average number of dwelling units per acre in any development shall not exceed eight (8).	Waiver to allow the number of dwelling units per acre to be greater than 8 (24.9)	<i>No project without this waiver.</i>
7. Section IV-E Subsection 1D	There shall be set aside, not to be built upon, unpaved, landscaped and/or left natural, with an acceptable balance of trees, shrubs, and grass, site area equal to 2,000 SF per dwelling unit	Waiver to allow less than 2,000 SF per dwelling unit to be unbuilt upon	<i>No project without this waiver.</i>
8. Section IV- E Subsection 1E	In addition to the 2,000 SF of living space required in (d), 1,000 SF of open space per dwelling unit shall be provided, which may include open paved areas, and one-half the area of covered parking or garages.	Waiver requested allowing less than 1,000 SF per dwelling unit to be unbuilt upon, including open paved areas.	<i>No project without this waiver</i>

<p>9. Section IV- E Subsection 1F</p>	<p>There shall be provided a landscaped side or rear yard buffer area of at least 50 feet in width adjacent to each property line of the parcel to be developed. All buffer areas shall be planed or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten feet.</p>	<p>The proposed shortest distance is 5.5'+/- at its closest point – at the headwall west of the entrance drive & Building #1.</p>	<p><i>No project without this waiver</i></p>
<p>10. Section IV-E Sub-Section 1G</p>	<p>There shall be set aside, suitably prepared, protected and equipped for organized recreational activities, site areas equal to 300 SF per dwelling unit, which are not to be included in the buffer area.</p>	<p>Waiver requested allowing less than 300 SF per dwelling unit for organized, recreational activities.</p>	<p><i>No project without this waiver</i></p>
<p>11. Section IV-E Sub-Section 1I</p>	<p>Two parking spaces shall be provided for each dwelling unit. Such spaces shall be within 200 feet of the intended users. No parking shall be permitted within the buffer area. In addition to the two parking spaces per dwelling unit required hereunder, dedicated guest parking spaces shall be required where building layouts or street design do not provide adequate on-street or off-street guest parking. The number of guest parking spaces required shall be determined during the Site Plan Review process and shall not exceed 10% of the total number of parking spaces required for the dwelling units in the development.</p>	<p>Waiver requested allowing less than two parking spaces per dwelling unit.</p> <p>Provided: 1.4 parking spaces per dwelling unit</p>	<p><i>No project without this waiver</i></p>
<p>12. Section IV-E – Residential Multi-Unit Development Sub-Section 5E</p>	<p>Local preference definitions</p>	<p>We ask the Board defers to current DHCD local preference categories as some of the categories included in the zoning bylaw are no longer allowed as a matter of law</p>	<p><i>This is a matter of Fair Housing Law. The Applicant would anticipate a condition to provide all affirmative marketing materials to the Board prior to implementation.</i></p>
<p>13. Section V-A – Off-Street parking requirement</p>	<p>Provisions for off-street parking, drives, services, and display and loading areas shall be specified below. Providing fewer or more parking than required by this Section V-A requires a Special Permit A3. These requirements shall be met for new construction, enlargement or increase in gross floor area of an existing building, the development of a use not located in the building, or the change from one type of use to another. Parking areas for each land use shall be located on the</p>	<p>Waiver requested requiring less than 2.0 units/dwelling unit.</p> <p>Provided: 1.4 parking spaces per dwelling unit</p>	<p><i>No project without this waiver</i></p>

	same parcel unless appropriate relief is granted by the Planning Board to permit parking on a contiguous parcel. Within Business District A, parking space requirements are reduced by 25%.		
14. Section V-C – Earth Removal Regulations Sub-Section 1a	Permit Required a. No soil, loam, sand, gravel or other earth materials shall be removed from any lot within the Town unless such removal will constitute an exempt operation as hereinafter provided or is done pursuant to a Special Permit A2 therefore issued by the Board of Appeals.	A waiver is required to allow soil, loam, sand and gravel (as pertinent) to be removed from the lot.	
WAIVERS FROM GENERAL BY-LAWS			
1. Article 10 – Public Ways and Common Land	The Board of Selectman are the permitting issuing authority	That the Zoning Board of Appeals act in place of the Board of Selectman	<i>Consistent with the Chapter 40B regulations</i>
2. Article 10 – Public Ways and Common Land Section 34a	The removal of soil, loam, sand or gravel from any land in the town not in public use to any location outside the town is prohibited.	A waiver is required to allow soil, loam, sand and gravel (as pertinent) to be removed from the lot.	
3. Article 22 – Wetlands Protection By-Law Section 8 – Establishment of Surety Bonds		A waiver is requested as a bond is already required of the applicant as part of the 40B process	
4. Article 22 – Wetlands Protection By-Law Section 5 – Authorization of Commission to Deny Project		A waiver is requested	