

Hanover Weston: By-Law Waiver Requests

By-law or Regulation	Requirement	Waiver
Zoning By-law		
Section V.B	Multifamily is not permitted in Residence A	Allow 180 unit multifamily project
Section V.G	Wetlands & Floodplain Protection District A restricts uses and requires a special permit	Existing driveway runs through Wetlands & Floodplain Protection District. Applicant is proposing to widen the existing drive to allow emergency service access.
Section V.I.3	Earth Removal and Movement- allowed by right if the removal of material does not exceed the import of material associated with: 1) the construction, alteration of a way, including a driveway; 2) the construction or installation of a residential septic system, drainage system, underground fuel storage tank, or utility on the same premises that the system would be served; 3) and/or the removal of unsuitable material. Exempt when incidental to the construction or alteration of a building or structure limited to the footprint of the foundation, otherwise a special permit from the Planning Board is required	Waiver requested. Initial earthworks cut/fill analysis estimates an import of approximately 22,000 CY's.
Section V.I.5	Permit required from building inspector for construction trailers	Waiver requested to allow construction trailer
Section VI.B	Minimum street frontage: 250 ft.	Waiver requested to allow minimum frontage of 140'
Section VI.B	Minimum lot width at street setback line: 250 ft.	Waiver requested to allow minimum lot width at street setback line of 135'
Section VI.B	Minimum setback from street side line: 60 ft.	Waiver requested to allow 50' setback from street side line for WWTP
Section VI.B	Minimum side yard setback: 45ft	Waiver requested to allow 37.1' to residential building
Section VI.E	Height: 32 ft. or 3 stories for flat roofs, 37 ft. or 2.5 stories, whichever is less, for pitched roofs	Waiver requested to allow height of 4 stories, 54.4'
Section VI.F	Maximum Gross Floor Area Limitation: .1	Waiver requested to allow floor area ratio of 0.489
Section VII.B	Restricts number and type of signs	Waiver requested to allow signage necessary for identification and leasing of multifamily building. Signage shown on landscape plans.
Section VIII.A	Requires 2 parking spaces per dwelling unit, may be reduced by Special Permit Granting Authority	Waiver to allow 293 Spaces
Section XI	Site Plan Approval	Waiver requested to address Site Plan Approval through Comprehensive Permit Process
Wetlands		

25' No Disturbance Policy	No disturbance permitted	The emergency access drive is in the no-disturb zone, however, this is an existing driveway and the policy provides that the Commission can allow work if it has demonstrated that it is in an area that was altered prior to the adoption of the policy in 1998 or was legally permitted to be altered. This drive will need to be widened approximately 9'-11.5'.
Tree Removal Policy	Approval and mitigation requirement for removal of certain trees in resource areas and buffer zones.	Waiver requested. This approval will be addressed through the comprehensive permit process
Site Plan Approval Regulations		
Section 4	Content of Site Plan Approval Submission	Waiver requested. All Planning Board Approvals required will be addressed through the comprehensive permit process
Section 5	Site Walk and Public Hearing Requirement	Waiver requested. All Planning Board Approvals required will be addressed through the comprehensive permit process
Art. XXVII: Stormwater & Erosion Control By-law and Regulations	Major Permit required for any land disturbance exceeding an area of 5,000 square feet or more than 20% of a lot, whichever is less or creation of new impervious surface greater than 2500 square feet or addition of more than 500 c.y. of earth material.	Waiver requested. All Planning Board Approvals required will be addressed through the comprehensive permit process. The project will comply with MassDEP Stormwater Handbook and will obtain an Order of Conditions.
Art. XXIII: Scenic Road By-law	Requires that that "any repair, maintenance, reconstruction or paving work" done in the right of way "shall not involve the cutting down or removal of significant trees, or the tearing down, burial, relocation or destruction of stone walls" without the prior written consent of the Planning Board	Waiver requested to remove and reconstruct a portion of stone wall in right of way to allow relocation of driveway at 540 South Avenue, which will serve as the main site access.
Planning Board Rules & Regulations		
Art. 1	General Filing Requirements & Information	Waiver requested. All Planning Board Approvals required will be addressed through the comprehensive permit process
Art. 2	Approval Not Required Plans	Waiver requested. All Planning Board Approvals required will be addressed through the comprehensive permit process
Planning Board Project Review Fees	Requires project review fees for certain projects	Waiver requested. All Planning Board Approvals required will be addressed through the comprehensive permit process
General By-laws & Other		
Article IV, Use of Ways and Street Opening & Occupancy Regulations	Requires approval by the Department of Public Works and Select Board for excavating or digging within the Town right of way.	Waiver requested. All approvals for the proposed roadway improvements to be addressed through the comprehensive permit process.
Flammable Storage Permit	Flammable storage permit for the proposed garage.	Waiver requested for any requirement beyond the state-required Flammable Storage Permit from the Fire Chief. No waiver is requested from the requirement to obtain a Flammable Storage Permit from the Fire Chief.

*	Other	Applicant reserves the right to amend the waiver request list during the hearing and as the project design progresses and further notes that it is not required to seek waivers from local requirements and regulations which are not in effect on the date of the Applicant's application to the Board, including, but not limited to, the proposed Wetlands By-law under consideration by the Conservation Commission. See 760 CMR 56.02.
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