

WALNUT MASTER GROUND LESSEE LLC
WALNUT STREET, FOXBOROUGH, MA
COMPREHENSIVE PERMIT
M.G.L. c. 40B

LIST OF REQUESTED WAIVERS

In conformance with M.G.L. c. 40B, the Applicant requests the Town of Foxborough Zoning Board of Appeals (the "Board") grant the following waivers from the following Code of the Town of Foxborough and Rules and Regulations of the Town of Foxborough, as in effect as of the date of the filing of the Comprehensive Permit Application with the Board, for Walnut Street Affordable Housing, a 200 unit senior adult apartment community (the "Project"), at Walnut Street, Assessors Map 133 Parcel 023, (the "Property") shown on plans submitted by the Applicant:

CODE OF THE TOWN OF FOXBOROUGH
CHAPTER 275 ZONING

1. Section 3.0. Use Regulations Table 3-1 Table of Uses, Use Group G. Residential #4 Multifamily dwellings: Multi-family dwellings are not permitted within the Residential and Agricultural (R-40) zoning district. A waiver is requested under Section 3.0. Table 3-1 for residential multi-family dwellings within the Residential and Agricultural (R-40) zoning district to allow the construction and use of three (3) multi-family dwellings containing 200 units and a Community Building on the Property.

2. Section 4.0. Dimensional Requirements, Section 4.1.1. and Table 4-1 Dimensional Regulations for Uses in Residential and Neighborhood Business District: Section 4.1.1. states "All residential structures shall conform to the dimensional regulations set forth in Table 4-1." Table 4-1 states that multi-family dwellings require 32,250 square feet of area for the first 3 units and 6,125 square feet of area for each additional unit, building height is limited to 35 feet (note 3), and no more than eight dwelling units are allowed on a lot (note 2). The required lot area for a 200 unit apartment community would be 1,238,875 square feet. The Site contains 678,308 square feet of land area. The senior adult apartment community will contain three (3) buildings, with Building 1 also containing a one story Community Building with an office and community room. All the buildings are three (3) stories with Buildings 1 being 49 feet in height, Building 2 being 51 feet in height, and Building 3 being 49 feet in height. Waivers are requested under Section 4.1.1. and Table 4-1 for required area (678,308 square feet of land area provided where 1,238,875 square feet is required), Table 4-1 and Section 4.1.2.3. for building height (51 feet provided where 35 feet is allowed), and Section 4.1.2.2. for number of dwelling units on a lot (200 units provided where 8 units are allowed).

3. Section 4.0 Dimensional Requirements, Section 4.1.4.: Section 4.1.4. states "One dwelling per lot. Only one dwelling structure shall be located on a lot, unless otherwise expressly permitted by these bylaws." A waiver is requested under Section 4.0 Section 4.1.4. for the number of dwelling structures located on a lot (three (3) dwelling structures provided where one dwelling structure is allowed).

4. Section 6.0 General Regulations, Section 6.1. Off-street parking and loading requirements, Section 6.1.1. and Table 6-1: Section 6.1.1. states "If any structure is constructed...off-street parking shall be provided in accordance with Table 6-1 and 6-2." Table 6-1 requires 450 parking spaces for the proposed 200 unit apartment community. The number of parking spaces being provided under the proposed apartment community is 221 spaces. Section 6.1.8.1. states that all parking areas containing over five spaces shall conform to the requirements found in Table 6-1. Waivers are requested under Section 6.1.1., Table 6-1, and Section 6.1.8.1. for parking spaces (221 spaces are provided where 450 spaces are required).

5. Section 6.0 General Regulations, Section 6.1. Off-street parking and loading requirements, Section 6.1.2.3.: Section 6.1.2.3. states "New developments requiring site plan review must provide the required accessible parking on site..." The number of parking spaces being provided is 221 spaces and the required spaces is 450 spaces. A waiver is requested under Section 6.1.2.3. for the required accessible parking on site (221 spaces provided where 450 spaces required).

6. Section 6.0. General Regulations, Section 6.1. Off-street parking and loading requirements, Section 6.1.8.6.: Section 6.1.8.6. states "Buffer strips between a parking lot and sidewalk shall be at least five feet in depth and suitably landscaped." There are no buffer strips between the parking lots and sidewalks and therefore no landscaping. A waiver is requested under Section 6.1.8.6 for buffer strips between the parking lots and the sidewalks and landscaping (no buffer strips and no landscaping between parking lots and sidewalks are provided where buffer strips five (5) feet in depth with suitable landscaping are required).

7. Section 6.0 General Regulations, Section 6.1. Off-street parking and loading requirements, Section 6.1.9. Location. 6.1.9.1.: Section 6.1.9.1. states "All parking lots for multifamily dwellings shall be located not less than 20 feet from the structure." The parking lots within the apartment community are located within twenty (20) feet of the multi-family dwellings. The closest parking lot to a dwelling is eleven (11) feet (Building 1 is eleven (11) feet from the closest parking lot, Building 2 is fifteen (15) feet from the closest parking lot, and Building 3 is eighteen (18) feet from the closest parking lot). All parking lots are located not less than eleven (11) feet from the dwellings and less than twenty (20) feet from the dwellings. A waiver is requested under Section 6.1.9.1. for the distance between the parking lots and the dwellings. (Not less than eleven (11) feet of distance is provided between parking lots and dwellings where not less than twenty (20) feet is required).

8. Section 6.0. General Regulations, Section 6.4. Screening, buffers and landscaping: Section 6.4.2. Applicability states "Screening, buffers and landscaping shall be required for ... all multifamily structures..." Section 6.4.3. Location states "Screening, buffers and landscaping shall be located within the required yards of ... multifamily land uses. These yard setbacks are detailed in Tables 4-1 ... of these bylaws." Section 6.4.4. Waiver or modification states "Screening and buffering requirements may be waived or modified by the appropriate board if a naturally dense vegetation area, suitable topography or a combination of the two exist at the time of development (and is to be maintained) within the area where screening and buffering are required. Section 6.4.5. Use requirements abutting residential states that when a multifamily dwelling abuts a residential zoning district or is to be located on a public way across from a residentially zoned district, the side or rear yard screening and buffer strip shall be 20 feet in width parallel to the property line and shall contain a screen of plantings, and the front yard

landscape strip shall be 30 feet in depth parallel to the property line and shall contain a mix of plantings. Waivers are requested under Sections 6.4.2., 6.4.3, 6.4.4. and 6.4.5. for the screening, buffers and landscaping as filed.

9. Section 6.0. General Regulations, Section 6.1. Off-street parking and loading requirements, Section 6.1.8. Standards for parking areas with more than five spaces, Section 6.1.8.2. states “All parking areas shall be screened on each side which abuts or is across from the side or rear lot line of a lot situated in any residential district pursuant to Section 6.4, Screening, buffers and landscaping.” A waiver is requested from Section 6.1.8.2. for the parking areas screening as filed.

10. Section 6.0. General Regulations, Section 6.5. Performance standards. Waivers are requested under Section 6.5. for the performance standards not met and for Planning Board review.

11. Section 10.0. Administration and Procedures, Section 10.5 Site Plan Review, Section 10.5.3.: Section 10.5.3. states that Site Plan review is required for any new building or any alteration of land greater than 1,000 square feet. The proposed apartment community will include new buildings and alterations of land greater than 1,000 square feet. A waiver is requested under Section 10.5.3 for Site Plan review.

12. Section 10.0 Administration and Procedures, Section 10.1. Zoning Enforcement. The Building Commissioner is charged with the enforcement of Chapter 275 Zoning and shall not issue any permit unless the plans for the building and the intended use thereof in all respects fulfill the provisions of these bylaws. Under an approved comprehensive permit, violation of Zoning is anticipated and waivers to these violations are required. A waiver is requested under Section 10.1 for the administration and enforcement of Chapter 275 Zoning.

CODE OF THE TOWN OF FOXBOROUGH
CHAPTER 115 EARTH REMOVAL

13. Section 115.3. Procedure: Section 115.3.A. states “No earth shall be moved from any parcel of land within the Town to another parcel, either within or without the Town, except upon approval of a special use permit by the Board.” A waiver is requested under Section 115.3.A. for a special use permit from the Board of Selectmen for the removal from the site of soil, loam, sand, and gravel.

CODE OF THE TOWN OF FOXBOROUGH
CHAPTER 202 SCENIC ROADS

14. Section 202-2. Designation lists Walnut Street as a scenic roadway. Section 202-4.A. states that any repair, maintenance, reconstruction or paving work done with respect to a scenic road shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the Planning Board. A waiver is requested under Section 202-4 for the written consent of the Planning Board for the cutting and removal of trees, and the tearing down or destruction of stone walls, or portions thereof.

CODE OF THE TOWN OF FOXBOROUGH
CHAPTER 267 WETLAND PROTECTION
FOXBOROUGH WETLAND PROTECTION REGULATIONS

15. Chapter 267 Wetland Protection, Section 267-11. Rules and regulations: Section 267-11 states "...the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw." Foxborough Wetlands Protection Regulations Section 1. Purpose Paragraph 2 states "These rules and regulations are promulgated to define key terms and additional terms to implement the provisions of the Foxborough Wetlands Protection Bylaw," and Section 3. Definitions states "The following definitions shall apply in the interpretation and implementation of the Bylaw and these Regulations." Waiver(s) are requested from all provisions under Chapter 267 and the Foxborough Wetlands Protection Regulations including but not limited to filing a notice of intention with and from receiving an order of conditions from the Foxborough Conservation Commission.

BOARD OF WATER & SEWER COMMISSIONERS
RULES AND REGULATIONS FOR THE
CONNECTION TO AND EXTENSION OF PUBLIC
SEWERS WITHIN FOXBOROUGH

16. Rules And Regulations For The Connection To And Extension Of Public Sewers Within Foxborough Board Of Water & Sewer Commissioners, Connection To The Existing Sewer (Page 4 of 15) requires the filing of an application with the Board of Water and Sewer Commissioners for approval to connect to or extend the public sewer to service a property. An exception is requested under the Board Of Water & Sewer Commissioners Rules And Regulations For Connection To And Extension Of Public Sewers Within Foxborough for filing an application with and obtaining approval from the Foxborough Water and Sewer Commissioner to connect to or extend the public sewer to the 200 unit apartment community.

CODE OF THE TOWN OF FOXBOROUGH
CHAPTER 213 SIGNS

17. Section 213-5. General regulations D. Signs in all districts (10) allows one (1) monument sign not to exceed twelve (12) square feet in area at the entrance of a multifamily housing complex, which shall be set back at least 10 feet from the lot line and may be externally illuminated by spot lights. Waivers are requested under Section 213-5.D.(10). to allow a monument sign of 24 square feet of sign area with a sign height of six (6) feet and setback at least 10 feet from the Walnut Street lot line.

OTHER LOCAL BYLAWS, REGULATIONS AND APPROVALS

18. Waivers from any and all Chapters of the Code of the Town of Foxborough and any and all local By-Laws, Regulations and Approvals necessary to allow the construction and occupancy of the 200 unit senior adult apartment community and related improvements at Walnut Street.