

Waiver Requests as of March 23, 2022

Through a Comprehensive Permit, the Manchester-By-The-Sea 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. Please find a revised table of the waivers necessary to permit the proposed project. This document and waivers shown on the Civil Site Plans revised through 3/23/2022 supersede all prior waiver requests.

| WAIVERS FROM ZONING BYLAW OF THE TOWN OF MANCHESTER-BY-THE-SEA FOR THE SANCTURAY AT SHINGLE HILL | | | |
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| LOCAL REGULATION | REQUIREMENT | PROPOSED | EXPLANATION |
| 1. Section 4.4 – Limited Commercial District (LCD) Use Regulations <ul style="list-style-type: none"> • Multi-family/unit Dwelling | Use(s) not allowed in the LCD | Waiver granted to allow the multi-family/unit Dwelling, Accessory Uses, Leasing offices, covered parking, booster pump building and associated Amenity areas for residents. Waiver request includes waiver from Site Plan Approval from Planning Board all accessory uses noted. | As a multi-family use is not permitted in this LCD zone, the proposed development can not be built without this waiver of use. |
| 2. 4.9.5.1.a | Underground storage tanks are prohibited in Zone III | Waiver granted to allow underground tanks for sewer force main pump station. | This sewer system will not function properly without allowance of this waiver. |
| 3. 4.9.5.1.o | Removal of soil, loam, sand, gravel, or any other mineral substances within four (4) feet of the historical high groundwater is prohibited in Zone III. | Waiver granted to allow the removal of soil, loam, sand, gravel, or any other mineral substances within four (4) feet of the historical high groundwater. | This bylaw exempts excavations for the construction of building foundations. Thus, the applicant believes this waiver is not required, but has included it as a recommendation from the Beals & Thomas Peer Review letter, dated March 4, 2022 |

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| <p>4. 4.9.5.1.p</p> | <p>Land uses that result in the rendering impervious of more than 15% or 2,500 square feet of any lot, whichever is greater is prohibited in a Zone III</p> | <p>Waiver granted to allow land uses that result in the rendering impervious of more than 15% or 2,500 square feet of any lot, whichever is greater</p> | <p>The current design provides just less than 15% impervious area. If the project was to incorporate a sidewalk to the right-of-way the project would be over the 15% impervious requirement.</p> <p>Additionally, this bylaw exempts projects that provide artificial recharge of precipitation, such as the proposed infiltration systems to the satisfaction of the Planning Board, or in this case the ZBA.</p> <p>Thus, the applicant believes this waiver is may not be required, but has included it as a recommendation from the Beals & Thomas Peer Review letter, dated March 4, 2022. If the ZBA determines the waiver is not applicable/required, it can be deleted.</p> |
| <p>5. 4.9.5.2.d</p> | <p>Land uses that result in the rendering impervious of more than 15% or 2,500 square feet of any lot, whichever is greater require a special permit in a Zone III</p> | <p>Waiver granted to waive special permit required to allow land uses that result in the rendering impervious of more than 15% or 2,500 square feet of any lot, whichever is greater</p> | <p>Waiver to ask that the ZBA act as the permit granting authority as is customary under Chapter 40B.</p> |
| <p>6. Section 5.5 – Building Height</p> | <p>2.5 Stories (Max.)</p> | <p>Three (3) Stories</p> | <p>Three residential stories are commonly seen throughout Manchester by the Sea. Moreover, the original proposal started as a five story building and was reduced in an effort to appease neighborhood concerns. A three story building is necessary to make this project financially feasible.</p> |

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| <p>7. Section 5.6 - Accessory Structure</p> | <p>Accessory structures shall be set back from any street on which the lot has frontage as least the applicable minimum front setback for such lot plus ten (10) feet.</p> | <p>Waiver granted to allow accessory structure (booster pump) to within 20' of front setback. Final size and location of boost pump cannot be finalized until after ZBA process. Plans depict representative size structure and approximate location.</p> | <p>The size and location of the booster pump is necessary to make the infrastructure of the project function properly. Denial of this waiver would be tantamount to a denial of the project.</p> |
| <p>8. Section 5.7.1 – Lot Width</p> | <p>500'</p> | <p>291.2' (Existing Non-Conforming)</p> | <p>The inherent dimensional characteristics of this site can not be changed. As such, this project can not move forward without a waiver to this lot width.</p> |
| <p>9. Section 5.7.3 – Building Setback</p> | <p>All Structures shall be set back from any street at least one hundred and fifty (150) feet, and from any other lot line at least one hundred (100) feet.</p> | <p><u>Primary Structure</u> Side setback = 82.6' <u>Accessory Structure</u> Street setback = 20.0'</p> | <p>The locational of the building and the project entrance have been carefully considered based on many different topographical and environmental considerations. The setbacks to the lot lines are necessary to build the project as proposed.</p> |
| <p>10. Section 6.2.2 – Parking Space Dimension</p> | <p>Off-street parking spaces shall be designed with minimum dimensions of 9'x20'</p> | <p>Off-street parking spaces shall be designed with minimum dimensions of 9'x18' and minimum 23' access drive aisles.</p> | <p>The proposed parking space dimensions are consistent with most industry standards. Adherence to a 9x20 space would require a significant reduction in the number of spaces; which is something the ZBA and the Town does not want. Moreover, the Town peer review consultant indicated a level of comfort with the proposed parking space dimensions.</p> |
| <p>11. Section 6.2.2 – Number of Off-Street Parking Spaces</p> | <p>383 Required Parking Spaces (See Parking Table for breakdown)</p> | <p>236 (See Parking Table for breakdown)</p> | <p>The number of parking spaces exceeds virtually all other suburban multi-family buildings built within the last ten years. Requiring 383 parking spaces would require more site disturbance which is something the Town does not want.</p> |

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| <p>12. Section 6.2.5 - Setbacks</p> | <p>No part of private parking area shall be located within a required front yard.</p> | <p>Waiver to allow one parking stall for booster pump and sewer force main maintenance within 20' of the front lot line.</p> | <p>The proposed booster pump and sewage pump stations will require routine (weekly/monthly) maintenance. A parking space has been provided for the maintenance vehicle.</p> |
| <p>13. Section 6.2.6 – Parking Lot Plantings</p> | <p>Parking lots containing five (5) or more parking spaces shall have at least one (1) tree per five (5) parking spaces.</p> | <p>Minimum one (1) tree per five (5) surface parking spaces will be planted. Waiver requested to clarify this is not applicable to the structured parking garage stalls.</p> | <p>The Applicant will comply to this bylaw for all surface spaces but is just confirming the ZBA is not interpreting structured parking garage as a "parking lot".</p> |
| <p>14. Section 6.2.7 - Driveway/Curb Cut Permit</p> | <p>Requirement of Driveway/Curb Cut Permit from Planning Board</p> | <p>Waiver granted from Curb Cut/Driveway permit from Planning Board.</p> | <p>This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board is required to act in place of ALL local permit granting authorities as part of the issuance of the Comprehensive Permit.</p> |
| <p>15. Section 6.5 - Site Plan Review</p> | <p>Requirement that this project is subject to Site Plan Review by the Planning Board</p> | <p>Waiver granted from Site Plan Review by Planning Board</p> | <p>This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board is required to act in place of ALL local permit granting authorities as part of the issuance of the Comprehensive Permit.</p> |
| <p>16. Section 6.9 – Site Plan Review Special Permit</p> | <p>Requirement that this project is subject to Site Plan Review Special Permit by the Planning Board</p> | <p>Waiver granted from Site Plan Review Special Permit approval from Planning Board</p> | <p>This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board is required to act in place of ALL local permit granting authorities as part of the issuance of the Comprehensive Permit.</p> |

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| <p>17. Section 6.11 – Development Schedule: Sewer Connection Limitation</p> | <p>Requirement that building permits for new construction be issued only if permit issuance will not result in authorizing a connection to the municipal treatment facility.</p> | <p>Waiver requesting building permit be issued if this project is allowed to connect to the wastewater treatment facility.</p> | <p>The project can not be built as currently proposed without a connection to an on-site sewage treatment facility.</p> |
| <p>18. Section 6.12 – Division of Land and Development of Multiple Dwellings</p> | <p>Requirement that construction of six (6) or more dwelling units requires a Special Permit from the Planning Board</p> | <p>Waiver granted to allow more than six (6) dwelling units without a Special Permit by Planning Board</p> | <p>This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board is required to act in place of ALL local permit granting authorities as part of the issuance of the Comprehensive Permit.</p> |
| <p>19. Section 6.15 – Stormwater Management Special Permit</p> | <p>Special Permit from the Planning Board</p> | <p>Waiver granted to allow review of the stormwater management system under the comprehensive permit by the zoning board of appeals.</p> | <p>This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board is required to act in place of ALL local permit granting authorities as part of the issuance of the Comprehensive Permit.</p> |
| <p>20. Section 6.4.3.2 – Signage</p> | <p>One nonilluminated announcement sign no larger than 3 feet by 3 feet, at the entrance or gates of a building.</p> | <p>One (1) monument sign with sign with up-lighting approximately 6 feet by 6 feet, at the entrance of the site.</p> | <p>For visibility and public safety reasons, the applicant is requesting a waiver from this requirement to ensure appropriate visibility during night time hours. There will be no light spillover on to neighboring properties.</p> |

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| 21. Town of Manchester By-The Sea Board of Selectmen Acting as Board of Sewer Commissioners – Sewer Regulations | Section 2. Board of Selectmen acting as the Board of Sewer Commissioners | Waiver to ask that the ZBA act as the permit granting authority as is customary under Chapter 40B. | Waiver to ask that the ZBA act as the permit granting authority as is customary under Chapter 40B. |
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By requesting the foregoing waivers from local bylaws and regulations, it is the intention of the Applicant to request a Comprehensive Permit to permit construction of the Project as shown on the Plan. If, in reviewing the Applicant's building permit application(s), the Building Commissioner determines that any additional waiver from local bylaws or regulations is necessary to permit construction to proceed as shown on the Plan, the Applicant requests that the Building Commissioner proceed as follows: The Applicant shall be informed of any additional waiver required and (a) any matter determined by the Building Commissioner to be of a de minimis nature shall be deemed within the scope of the waivers granted by the Comprehensive Permit; or (b) for any matter determined by the Building Commissioner not of a de minimis nature, including but not limited to potential adverse impacts on public health, safety, welfare or the environment, Applicant may submit a request to the Board for a determination under 760 CMR 56.05(11).