

DUNSTAN EAST/LIST OF WAIVERS REQUESTED
(REVISED AS OF APRIL 8, 2021)

ZONING ORDINANCE

- A. Use: The Applicant seeks a comprehensive permit in lieu of special permits, variances, licenses, and/or approvals to allow the property to be used for the Project, including without limitation:
1. Special Permit under Section 4.1.2.B to permit a development of over 20,000 square feet.
 2. Waiver of the requirements of Section 5.11 to conform the provisions for affordable housing to the terms of the application, if and to the extent necessary.
 3. Special Permit under Section 4.4.1 for residential use at ground floor.
 4. Special Permit under Section 4.4.1 for parking facility, accessory, multi-level.
 5. Special Permit under Section 4.4.1 for ATM, standalone.
 6. Special Permit under Section 4.4.1 for a restaurant with over 50 seats.
 7. Special Permit under Section 4.4.1 for fast food establishment.
 8. Special Permit under Section 4.1.1 for for-profit educational use.
- B. Density and Dimensional Controls: The Applicant seeks a comprehensive permit in lieu of such special permits, variances, licenses, and/or approvals as may be required from or under Sections 4.1.2 and 4.1.3 for construction of the Project in the Business 2 District including without limitation:

1. Variances from the dimensional requirements of Section 4.1.2, 4.1.2.A.2, 4.1.2.B.3, and 4.1.3 as follows (**in bold**):

<u>Dimension</u>	<u>Required/Allowed</u>	<u>Provided</u>
Lot Area	10,000 sf minimum	138,142 sf 156,218 sf
Lot Area Per Unit:	1,200 sf minimum	590 sf (234 units) 517 sf (302 units)
Frontage:	N/A	373.3 ft

Front Setback:	5 ft minimum ¹	2.4 0.2 ft
Side Setback:	40.5 ft minimum ²	5.0 ft
Rear Setback:	40.5 ft minimum ²	64.7 65.3 ft
FAR:	2.0 maximum	2.4 2.33
Stories:	4 by special permit	6
Building Height:	48 ft	81.10³

C. Parking/Loading Requirements⁴:

The Applicant seeks a comprehensive permit in lieu of a special permit pursuant to Section 5.1.13 to permit a parking facility in accordance with the submitted plans and to deviate from, *inter alia*, the following requirements:

1. To the extent that Section 5.1.3.E prevents assignment of parking spaces to tenants, a waiver is sought from that provision.
2. Number of parking stalls under Section 5.1.4.A from 2 per unit to 1 per unit for multi-family dwelling.
3. Number of parking stalls under 5.1.4.A from ~~164 stalls to 49~~ 113 to 36 parking stalls for the proposed ~~retail, personal service, restaurant, health club, office,~~ restaurant, health club, office, and similar commercial uses.
4. To the extent required, waiver from the obligation to provide an off-street parking or loading plan under Section 5.1.5.
5. Under Section 5.1.8.A.1 to locate a parking space within the required side setback or within 5 feet of a street.
6. Under Section 5.1.8.A.2 to locate an outdoor parking space within 5 feet of a building or structure containing dwelling units.

¹ Based on Average Setback as described in Section 1.5.3 and Section 4.1.3 of the Newton Zoning Ordinance.

² One-half of building height.

³ Based on definition of Building Height and Average Grade Plane per Section 1.5.4 of the Newton Zoning Ordinance. Actual Height measured relative to Washington Street is approximately 74 feet.

⁴ We have treated parking for the entire development as one parking facility under the Zoning Ordinance.

7. Under Section 5.1.8.B.1 and B.2 to reduce the width and depth of parking stalls.
8. Under Section 5.1.8.B.6 to reduce end aisle maneuvering space.
9. Under Section 5.1.8.B.7 to waive the requirement of an off-street parking or loading plan for noncommercial vans, buses, or other vehicles exceeding 7 ½ feet by 18 feet.
10. Under Sections 5.1.8.C.1 and C.2 to reduce minimum maneuvering aisle dimensions.
11. Under Section 5.1.10.A.1 to reduce the 1-foot candle lighting requirement.
12. Under Section 5.1.12.B for waiver of the requirement to submit a plan for off-street loading facilities.
13. Under Section 5.1.12.C and the Table thereunder to reduce the number of off-street loading facilities to 0.
14. Under Section 5.1.12.D to waive the design requirements for off-street loading facilities.

NON-PARKING WAIVERS

- D. ~~To the extent applicable, under Section 5.13, a waiver of the sustainable design requirements for the existing office building.~~
- E. To the extent applicable, the Applicant seeks a comprehensive permit in lieu of a special permit pursuant to Section 5.4.2.B to permit a retaining wall of up to 5 feet within a setback for the existing channel wall on the bank of Cheesecake Brook.

NON-ZONING ORDINANCES

- F. Floodplain, Watershed Protection Ordinance (Chapter 22)
Sections 22-22(c)(1) to waive, to the extent permitted by state law, the provisions stated therein for the construction, reconstruction, or enlargement of buildings in the Floodplain/Watershed Protection District.
- G. Infiltration and Inflow Mitigation (Chapter 29)
A waiver of the I and I payment of more than 25% of the I and I calculation.

(dated 7/2/20; revised as of 4/8/21)