

PRELIMINARY LIST OF WAIVERS

The following is a preliminary list of waivers requested by the applicant for the proposed 104 Stony Brook Weston Project, submitted under G.L. c. 40B. As the development progresses past the conceptual level, additional waivers may be requested.

GENERAL BY-LAWS

Article VIII Zoning By-law

1. SECTION V.D. BUSINESS DISTRICTS (A and B)

WAIVER TO ALLOW RESIDENTIAL USE WITHIN THE BUSINESS DISTRICT

2. SECTION V.H AQUIFER PROTECTION OVERLAY DISTRICTS

WAIVER TO ALLOW ANY EXCAVATION OR GRADING, WITHIN 6 FEET OF THE MAXIMUM HIGH GROUNDWATER TABLE ELEVATION

If groundwater is encountered an appropriate Dewatering General Permit (DGP) through the EPA will be filed.

3. SECTION V.I.3.a EARTH REMOVAL

WAIVER TO ALLOW REMOVAL OF EARTH THAT MAY EXCEED EARTH IMPORTED

4. SECTION V.I.3.b EARTH MOVEMENT

WAIVER TO ALLOW REMOVAL OF EARTH THAT MAY EXCEED 1,000 CUBIC YARDS

5. SECTION VI.D.2 BUSINESS B DISTRICT DIMENSIONAL REQUIREMENTS

WAIVER OF CERTAIN DIMENSIONAL REQUIREMENTS:
 - A. Waiver to exceed minimum street setback on easterly side of lot along Sibley Road for a portion of the building and along northerly side of lot along Boston Post Road & Sibley Road for retaining walls (see table, below);
 - B. Waiver to exceed minimum lot line setback along westerly property lines for ledge face;
 - C. Waiver to exceed maximum building coverage (see table, below);
 - D. Waiver to exceed maximum floor to lot ratio (see table, below).

ITEM	EXISTING	REQUIRED/ALLOWED	PROPOSED
MIN. STREET SETBACK (FT)	34'±	25'	3.9'± East 0'± North Retaining Walls
MIN. LOT LINE SETBACK (FT)	82.7'±	10'	0'± West Ledge
MAX. BUILDING COVERAGE (%)	1.7%±	25%	50.5%±
MAX. FLOOR TO LOT RATIO	<0.02:1 ±	1:2	2:1 ±

6. SECTION VI.E BUSINESS B DISTRICT HEIGHT REQUIREMENTS; LOTS OF LESS THAN FIVE ACRES.
 WAIVER TO EXCEED 35' OR 2 ½ STORIES (SEE TABLE, BELOW).

ITEM	EXISTING	REQUIRED/ALLOWED	PROPOSED
MAX. BUILDING HEIGHT FT. & STORIES	2.5 Stories ±	35' or 2.5 Stories, whichever is less	78'± & 5 stories

7. SECTION VIII.A.1.i OFF-STREET PARKING REGULATIONS; PARKING REQUIREMENT BY USAGE
 WAIVER TO REDUCE THE REQUIREMENT TO LESS THAN TWO SPACES PER DWELLING UNIT (SEE TABLE, BELOW).

ITEM	REQUIRED/ALLOWED	PROPOSED
Two spaces per dwelling unit.	150 units x 2 = 300 total spaces	197 spaces/ 150 units = 1.3 parking stalls per unit

8. SECTION XI.A SITE PLAN APPROVAL AS A PREREQUISITE

Waiver of prerequisite Site Plan Approval from the Planning Board. Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

Article XI Material Removal By-law

1. SECTIONS 1-3 WAIVER OF PROHIBITION ON REMOVAL OF SOIL, LOAM, SAND OR GRAVEL

Article XXIII Scenic Roads By-law

1. SECTION V WAIVER OF PROCEDURE FOR ACTIONS AFFECTING SCENIC STONE WALLS OR TREES

Waiver of prerequisite application, prior written approval, and hearing of the Planning Board. Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

Article XXVI Demolition Delay Bylaw

1. SECTIONS I-IX WAIVER OF REQUIREMENTS FOR 12-MONTH DEMOLITION DELAY

Waiver of 12-month demolition delay as efforts to preserve Sibley House off site have been rejected; applicant still working with Housing Partnership on possible relocation for affordable housing.

Article XXVIII Stormwater and Erosion Control Bylaw

1. SECTION IV APPLICABILITY. SUBSECTION C.2. MAJOR PERMIT

Waiver of requirement for a Stormwater Management Permit from the Town of Weston Stormwater Permitting Authority (SWPA). Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

2. SECTION VI ADMINISTRATION. SUBSECTION C. MASSACHUSETTS STORMWATER HANDBOOK

Waiver of requirement to comply with Massachusetts Stormwater Management Standard 3. Due to the existing soil conditions, a proposed infiltration system that infiltrates the required recharge volume may not be possible. The site will require the filing of a Notice of Intent (NOI) to the EPA for Construction General Permit (CGP) with discharge to Outstanding Resource Waters (ORW). The Applicant will coordinate with the Cambridge Water Department on the preparation of the required Stormwater Pollution Prevention Plan (**SWPPP**) and filing of the WM 15 - NPDES General Permit Notice of Intent per 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

3. SECTION VI ADMINISTRATION. SUBSECTION E. MASSACHUSETTS STORMWATER HANDBOOK

Waiver of requirement for a Stormwater Management Permit from the Town of Weston Stormwater Permitting Authority (SWPA). Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

4. SECTION VI ADMINISTRATION. SUBSECTION F. SWPA APPROVAL PROCESS. SUBSECTION 2. PUBLIC HEARING PROCESS

Waiver of requirement for a Stormwater Management Permit hearing from the Town of Weston Stormwater Permitting Authority (SWPA). Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

5. SECTION VII PERFORMANCE STANDARDS

Waiver of requirement to meet local stormwater & erosion control performance standards outlined within the Town of Weston Stormwater & Erosion Control Regulations. Project is submitted under G.L. c. 40B, a Comprehensive Permit is required from the Weston Zoning Board of Appeals. The site will require the filing of a Notice of Intent (NOI) to the EPA for Construction General Permit (CGP) with discharge to Outstanding Resource Waters (ORW). The Applicant will coordinate with the Cambridge Water Department on the preparation of the required Stormwater Pollution Prevention Plan (**SWPPP**) and filing of the WM 15 - NPDES General Permit Notice of Intent per 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

Stormwater & Erosion Control Regulations

- 1. SECTION 4.0 APPLICABILITY

Waiver of requirement for a Stormwater Management Permit from the Town of Weston Stormwater Permitting Authority (SWPA). Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

- 2. SECTION 5.0 APPLICATION PROCEDURES FOR STORMWATER MANAGEMENT PERMITS

Waiver of requirement for a Stormwater Management Permit from the Town of Weston Stormwater Permitting Authority (SWPA). Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

- 3. SECTION 7.0 DESIGN STANDARDS; A. STORMWATER MANAGEMENT DESIGN AND PERFORMANCE CRITERIA; SUBSECTION 1.a

Waiver of requirement to comply with Massachusetts Stormwater Management Standard 3. Due to the existing soil conditions, a proposed infiltration system that infiltrates the required recharge volume may not be possible. The site will require the filing of a Notice of Intent (NOI) to the EPA for Construction General Permit (CGP) with discharge to Outstanding Resource Waters (ORW). The Applicant will coordinate with the Cambridge Water Department on the preparation of the required Stormwater Pollution Prevention Plan (**SWPPP**) and filing of the WM 15 - NPDES General Permit Notice of Intent per 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

- 4. SECTION 7.0 DESIGN STANDARDS; A. STORMWATER MANAGEMENT DESIGN AND PERFORMANCE CRITERIA; SUBSECTION 1.e

Waiver of requirement due to the existing soil conditions to comply with the stormwater runoff volume being less in the post-development condition than in the pre-development condition. The site will require the filing of a Notice of Intent (NOI) to the EPA for Construction General Permit (CGP) with discharge to Outstanding Resource Waters (ORW). The Applicant will coordinate with the Cambridge Water Department on the preparation of the required Stormwater Pollution Prevention Plan (**SWPPP**) and filing of the WM 15 - NPDES General Permit Notice of Intent per 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

- 5. SECTION 7.0 DESIGN STANDARDS; A. STORMWATER MANAGEMENT DESIGN AND PERFORMANCE CRITERIA; SUBSECTIONS 2.a.iv & 2.b

Waiver of requirement due to the existing soil conditions to comply with the stormwater runoff volume being less in all storms in the post-development condition than in the pre-development condition, stormwater infiltration systems being located 2 feet above high groundwater, and stormwater infiltration systems being surrounded by existing pervious material. The site will require the filing of a Notice of Intent (NOI) to the EPA for Construction General Permit (CGP) with discharge to Outstanding Resource Waters (ORW). The Applicant will coordinate with the Cambridge Water Department on the preparation of the required Stormwater Pollution Prevention Plan (SWPPP) and filing of the WM 15 - NPDES General Permit Notice of Intent per 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

Board of Health Regulations and Guidelines

1. CHAPTER VI GUIDELINES FOR SEPTIC DESIGN AND INSTALLATIONS

Not applicable as Project's wastewater system is in excess of 10,000 gpd and is not a subsurface disposal system; MassDEP has jurisdiction. Applicant agrees to condition proposed by City of Cambridge to provide approval from MassDEP or document(s) from MassDEP that its approval is not required, and to provide further information concerning adequate provisions for removal of sewage from WWTF in event of operational failure.

BUILDING PERMIT FEES

Applicant requests waiver of all building permit fees, including but not limited to fees for Building Permit Application Sections 1-6 and 8.