

32 Court Street
Plymouth, Massachusetts 02360
mail@btiweb.com

Tel: 508-746-3288
Fax: 508-746-6407
www.btiweb.com

TO: George Turner, Easton Shovel Shop, LLC
Robert Turner, Easton Shovel Shop, LLC
Geoff Engler, Stockard Engler Brigham, LLC

FROM: David Johnson, AICP, Beals and Thomas, Inc.

DATE: May 15, 2008

REFERENCE: Waivers
Shovel Shop Square
Easton, Massachusetts
BTI Project No. 2006.02

PURPOSE: This memorandum is intended to summarize a list of exceptions and/or waivers from the local bylaws regulation, permits and fees for the proposed Shovel Shop Square development, as a component of a Comprehensive Permit Application.

COMPREHENSIVE PERMIT WAIVER REQUEST

Following is a list of the requested exceptions or waivers from local bylaws, regulations, permits and fees that the Applicant has identified as applicable to the proposed Shovel Shop Square Development at the time of the filing of the Comprehensive Permit. However, the Applicant reserves the right to amend this request to reflect other exceptions and/or waivers that may be identified or result from revisions to the plan as the review and permitting process advances.

REQUESTED WAIVERS – ZONING BYLAW

SECTION II DEFINITIONS

1. A waiver of the area requirements (200 sf/space required) contained in the zoning definition of "Parking Space" is requested. The typical 9' x 18' space proposed represents 162 sf per space provided.

Many communities across the Commonwealth have adopted the 9' x 18' stall size as the minimum requirement for a parking space. This parking space is generally recognized as an acceptable design standard that is both safe and accessible.

SECTION V USE REGULATIONS

2. Sections 5.3.A.: Apartments, multiple or attached dwellings are not a permitted use within the Industrial District.

A waiver is requested to allow the development of multifamily residential units within an Industrial Zoning District. The subject property is zoned Industrial reflecting its historic use as a

manufacturing site. However, by current planning policy the site may be more appropriately used as a location for "smart growth" development. The site exhibits the following principles for sustainable development contained in current state policy.

- Concentrate Development and Mix Uses – Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrate uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.
- Use Natural Resources Wisely – Construct and promote developments, buildings, and infrastructure that conserve natural resources by reducing waste and pollution through efficient use of land, energy, water and materials.
- Expand Housing Opportunities – Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels, and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and smaller single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.

3. Section 5-4 C. 4.: Packaged sewage treatment plants are prohibited within the Aquifer Protection District.

The sewage treatment plant requires a Groundwater Discharge Permit to be issued by the Massachusetts Department of Environmental Protection. The data and analysis required in order to perform a hydrogeological study for this permit will insure the protection of The Town of Easton's groundwater resources. A waiver of this regulation is requested.

4. Section 5-4 D. Residential dwellings shall be permitted only a density not greater than that allowed in Section 6-3.

The use of a sewage treatment plant mitigates the residential density issue within the Aquifer Protection District as the effluent from the system is treated to enhanced reclaimed water standards. Furthermore, Aquifer Protection District issues notwithstanding, the location is appropriate for the density proposed. Therefore, a waiver of this regulation is requested.

5. Section 5-4 G. 4.: Aquifer Protection District-Drainage. All runoff from impervious surfaces shall be recharged on the site, diverted towards areas covered with vegetation for surface infiltration to the extent possible.

A waiver of this section is requested to allow the collection, treatment and discharge of the runoff into an existing drainage outfall. The design will address DEP Stormwater Management

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Regulations to the maximum extent practicable as part of the re-development of this existing developed site.

SECTION VI DIMENSIONAL AND DENSITY REGULATIONS

6. Section 6-1: No building or structure shall be built or shall any existing building or structure be enlarged except in conformance with the regulations of the Easton Zoning By-law as to lot coverage, lot area per dwelling unit, lot width, front, side and rear yards, and maximum height of structures...

A waiver is requested to allow the reuse and improvement of a previously developed site. While many of the existing buildings on the site will be rehabilitated, the proposed project will also demolish and reconstruct several buildings. Existing setbacks, although not in compliance with current requirements, will be maintained. The demolition of all of the buildings in order to comply with the current zoning setbacks would significantly alter the character of the property.

7. Section 6-2: If more than one building may lawfully be placed on any lot in single or common ownership, the distance between the nearest parts of such buildings shall be not less than 40-feet.

The existing buildings are not proposed to be appreciably enlarged. One (1) building proposed to be demolished and reconstructed and requires a waiver to allow a separation distance of 30'.

8. Section 6-3: The Dimensional and Density Table requires the maximum lot coverage by structures to be not greater than 25%.

A waiver is requested to allow a lot coverage by structure to be 27.5% and represents substantial compliance with the requirement as well as a reduction of coverage from the existing conditions (29.1%).

SECTION VII SPECIAL PROVISIONS

9. Section 7-2: Apartments, multiple or attached dwellings

The following waivers from Section 7-2, if determined to be applicable are requested:

B) The maximum number of bedrooms per lot and the maximum number of bedrooms per building (10).

A waiver is requested to allow the bedroom and unit per building count as proposed.

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C) Each dwelling unit shall have two separate exits.

A waiver is requested to allow the construction of an apartment style units with one exit per unit in accordance with the requirements of the Massachusetts State Building Code.

F) Two automobile spaces shall be provided for each dwelling unit and shall not be within 15-foot of any lot line.

Two spaces per unit are proposed to be provided which includes approximately 81 spaces to be shared with the abutting office uses. A waiver of the 15' setback is requested to allow for a shared parking that is constructed over the lot lines.

G) A 20' wide screening and buffering strip along the side lot lines is required.

A waiver is requested to allow the buffering and screening as shown on the preliminary plans submitted or as may be further negotiated with the Zoning Board of Appeals.

10. Section 7-10: Site Plan approval by the Planning and Zoning Board including any and all requirements of the Planning and Zoning Board Site Plan Guidelines.

A waiver of this section is requested as it is inconsistent with the Chapter 40B whereas the Zoning Board of Appeals is the review and permit granting authority for the development with the exception of only the Board of Health and Conservation Commission.

SECTION VIII OFF-STREET PARKING AND LOADING REGULATIONS

11. Section 8-6 2.: A waiver of the number of parking space required for the project (630 spaces) is requested in order to allow the 364 proposed.

The proposed development includes a mixed use residential and office layout that includes demolition of the existing corrugated metal building additions while preserving the majority of the stone masonry structures and the large wood frame structure. Additionally, a new residential building and expansion of an existing building are proposed. The existing stone masonry buildings will be designated as office space while the remaining buildings that are preserved/proposed will comprise residential apartments. The apartment complex proposal consists of two (2)-bedroom units and one (1)-bedroom units. The use of shared parking on the adjacent commercial property is available to provide off-use parking by the residential units. Based on the above, it is the Applicant's opinion that there is adequate parking available to service the proposed development.

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12. Section 8-9, 11. requires all open air parking in the Industrial District to be at least 10 feet from any sidewalk or street line:

The proposed setback from the sidewalk or street line is a minimum of 7' and a waiver to allow this is requested.

SECTION XI ENVIRONMENTAL PERFORMANCE STANDARDS

13. Section 11-2, Preparation of an Erosion and Sedimentation Plan approved by the Planning and Zoning Board.

A waiver of this Section is requested as it is inconsistent with the Chapter 40 B whereas the Zoning Board of Appeals is the review and permit granting authority for the development with the exception of only the Board of Health and Conservation Commission. A NPDES permit from EPA that includes an Erosion and Sedimentation Plan containing substantially the same information as required will be obtained prior to the construction of the proposed development.

REQUESTED WAIVERS GENERAL BYLAWS

14. A waiver of the following local bylaws and regulations is requested and consistent with the requirements of Chapter 40 B.

Wetlands Protection Bylaw-Chapter 227 and Wetlands Protection Regulations – Chapter 503.
Demolition Review Bylaw

REQUESTED WAIVERS -FEES

16. A waiver of the following fees as they relate to the permitting and construction of the affordable units within the development is requested and is consistent with the requirements of Chapter 40 B.

Building Permit Fees, including electrical, plumbing and gas permit fees.
Water System Connection Fee

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