

**THE RESIDENCES AT 320 CONCORD
CONCORD STREET – ROCKLAND, MA
APPLICATION FOR COMPREHNSIVE PERMIT
UNDER M.G.L. C. 40B**

**ZONING BOARD OF APPEALS OF THE TOWN OF ROCKLAND
COMPREHENSIVE PERMIT REGULATIONS
OCTOBER 12, 2021
REVISED JANUARY 24, 2022**

SECTION 3.01(h) - LIST OF REQUESTED EXCEPTIONS AND WAIVERS

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CONCORD STREET – ROCKLAND, MA
LIST OF REQUESTED EXCEPTIONS AND WAIVERS

INTRODUCTION

The Applicant, Wall Street Development Corp. (the “Applicant”), requests waivers from certain local bylaws, regulations and other requirements in connection with the proposed development entitled "The Residences at 320 Concord" (the “Development”). The Development is proposed pursuant to M.G.L. Chapter 40B and, in accordance with M.G.L. 40B, all local approvals for the Development are to be granted pursuant to a Comprehensive Permit to be issued by the Town of Rockland Zoning Board of Appeals (the "ZBA") instead of being granted individually by other permitting authorities.

Under M.G.L. Chapter 40B, the ZBA performs a complete technical review of the Applicant's plans and specifications during the Comprehensive Permit hearing, including but not limited to site plans, grading, stormwater management, erosion and sediment control, etc. All the work proposed on the Development will be (i) performed in accordance with the plans of record approved by the ZBA or its designee, (ii) subject to the conditions contained in the Comprehensive Permit, and (iii) the inspections of the ZBA or its designee for compliance with the plans of record and the Comprehensive Permit.

The Applicant hereby requests waivers from the Local Requirements as follows and as outlined in the attached Table I.

The Applicant reserves the right to modify said waiver list as may be necessary pending final design and approval.

1. Board of Appeals 40A Rules and Regulations:

The Zoning Board of Appeals (the "ZBA") Rules and Regulations are designed to address applications for Special Permits and Variances under M.G.L. c. 40A. As an affordable housing development, the Applicant seeks approval for The Residences at 320 Concord pursuant to M.G.L. Chapter 40B (the “Development”). The Development will comply with the ZBA's 40B Rules (except for the provisions thereof from which waivers have been requested), and all local approvals for the proposed development are to be granted by a Comprehensive Permit issued by the ZBA.

2. Rules and Regulations Governing the Subdivision of Land:

The proposed development of The Residences at 320 Concord does not involve a "subdivision" within the meaning of the Subdivision Control Law, M.G.L. c. 41, sec. 81K - 81GG. The Planning Board Rules and Regulations governing the subdivision of land (the "Subdivision Regulations") have no applicability to the proposed development. However, to the extent that such Subdivision Regulations, or any part thereof, were to be deemed applicable, the Applicant hereby requests a waiver from such Subdivision Regulations or part thereof to the extent that such regulation would affect the proposed development as shown on the plans.

3. Planning Board Site Plan Review Rules:

As the development is proposed under M.G.L. Chapter 40B, the Zoning Board is the permit granting authority for all local approvals for the proposed development. To the extent the Site Plan Review Rules under Section 415-59 of the Zoning Bylaws are deemed applicable to the proposed development, the Applicant requests a waiver for the reasons described in Section 1, above, which is incorporated herein by this reference.

TABLE I
LIST OF WAIVERS AND EXEMPTIONS FROM LOCAL BYLAWS AND REGULATIONS

Pursuant to the M.G.L. Ch 40B, and regulations adopted pursuant thereto, the Project shall be exempt from all provisions of the Rockland Zoning Bylaw, including, without limitation, the following:

Rockland Zoning Bylaws

<u>REGULATION</u>	<u>REQUIRED</u>	<u>Zoning Relief Requested</u>
Sec. 415-8 – R-1 Residence Zoning District	R-1 Residence Zoning District: Multi-family Residence not permitted as principal use	Exemption
Sec. 415-22 – Building and Lot Regulations	Sec. 415-22: Building and Lot Regulations (R-1 Zoning District) <ul style="list-style-type: none"> • Minimum Lot Area: 32,670 s.f. • Maximum No. of Dwelling Units per 32,670 s.f.: 1 Dwelling Unit • Minimum Side Yard: 15 ft. • Minimum Rear Yard: 50 ft. 	Exemption <ul style="list-style-type: none"> • Lot Area: 28,937 s.f. • Max. No. of Dwelling Units per 32,670 s.f.: 4.5 Dwelling Units; (4 units are proposed on 28,937 s.f.) • Minimum Side Yard: 14.0 ft. • Minimum Rear Yard: 20.0 ft.
Sec. 415-22.A.2.a	In all Residential Zones, all parking areas, loading areas and areas used for access, egress or onsite circulation shall be set back a minimum of 10 feet from any property line and the ten-foot set back shall be properly landscaped and maintained.	Exemption Proposed access drive is located approximately 9.4 ft. from the side property line.
Sec. 415-22.F.	Multi-family developments. Multi-family developments shall be subject to the Site Plan Review Requirements of Article VIII of this bylaw. <ol style="list-style-type: none"> (1) Minimum Area. A Multi-Family Development shall include no less than five acres of contiguous land. (2) A minimum of 20% of the site area shall be developed as public open space. Parking areas and vehicle access facilities shall not be considered calculated open space. (3) Building relationships. The arrangement of buildings and distance required between buildings shall be as set forth in Article VII of this bylaw. 	Exemption

Sec. 415-27 – Lot Width	Minimum Lot width: 110 ft. (R-1 Zoning District)	Exemption Lot width: 97.4
Sec 415-28 – Frontage Requirements	Minimum Frontage: 110 ft. (R-1 Zoning District)	Exemption Frontage: 97.4
Sec. 415-29 – Number of Buildings on Single Lot	Only one principal residential building shall be allowed on a single lot except as provided in Article VI.....	Exemption Four principal residential buildings are provided on one lot.
Sec. 415-50 – Land Use Density	Land Use Density – Entire Section	Exemption
Sec. 415-58.A. – Site Plan Review	A. Except as provided herein, no building, excavation, or foundation activities shall be initiated unless a site plan is first submitted and approved and a building permit is issued by the Building Inspector.	Exemption
Sec. 415-59 – Site Plan Review and Approval	Site Plan Review and Approval – Entire Section	Exemption
Sec. 415-89.A. – Special Permits	A. A Special Permit shall be required to construct or otherwise establish any of the specific types of uses so identified within this bylaw this bylaw which shall only be permitted upon issuance of a Special Permit	Exemption
Sec. 415-94 – Types of Sites and Properties	Types of Sites and Properties – Entire Section	Exemption