

**Modera Marshfield**

**Requested Waiver List**

<b><u>Marshfield Zoning By-Law</u></b>		
Zoning Bylaw Section	Requirements <sup>1</sup>	Waiver Sought
§305-5.04 Table of Uses	Multifamily Dwelling is prohibited in the “I-1” District and the “R-1” District.	Proponent seeks a waiver to permit multifamily apartment buildings, townhouses, and accessory building structures.
	"Accessory buildings] such as ...private swimming pool[s] or similar accessory structure[s]" are permitted in the “R-1” District but permitted only by special permit in the “I-1” District.	
§305-6.08(A) – Application of closest “R” dimensional and density regulations	Existing and permitted residential uses in the "I" District are subject to the dimensional and density regulations of the nearest residential district as determined by the Building Inspector.	Proponent seeks a waiver of this requirement, to allow the “I” District requirements to be applied to the portion of the project site located therein. However, to the extent the “R-1” district regulations are applied to the entire site, Proponent seeks any and all additional waivers to allow the construction of the Project as shown on the plans.
§305-6.02/6.10 Table of Dimensional and Density Regulations - Maximum Height (feet)	65 feet in "I-1" District, 35 feet in "R-1" District.	Proponent seeks a waiver to permit building height of up to 45 feet.
§305-6.02/6.10 Table of Dimensional and Density Regulations -	2 in "I-1" District, 2.5 (which may be increased to 3 stories subject to heightened side-, rear- and front-yard	Proponent seeks a waiver to permit building height of up to 3 stories (without the

<sup>1</sup> According to the Town of Marshfield Zoning Map approved April 27, 2015, the site is predominantly located within the “I-1” District and “PMUD” Overlay District, with a small portion located within the “R-1” District. As the Proponent is not seeking entitlements for the site through the “PMUD” Overlay District, no waivers are being sought therefrom. However, to the extent the “PMUD” Overlay District requirements are applied to the Project Site, the Proponent seeks any and all additional waivers to allow the construction of the Project as shown on the plans.

Maximum Height (stories)	requirements pursuant to §6.10, Note 1) in "R-1" District.	need to comply with the additional setback requirements in §6.10).
§305-6.02/6.10 Table of Dimensional and Density Regulations - Rear Yard Setback	40 feet minimum in both "I-1" and "R-1" Districts.	Proponent seeks a waiver to permit a rear yard setback of 27 feet.
§305-6.02/6.10 Table of Dimensional and Density Regulations – Maximum Building Area	None in "I-1" District, 15% in "R-1" District.	Proponent seeks a waiver to permit a building area of approximately 26% for the entire project site.
§305-6.02/6.10 Table of Dimensional and Density Regulations – Minimum Open Space Area	30% in "I-1" District, 50% in "R-1" District.	Proponent seeks a waiver to permit an open space area of 38% for the entire project site.
§305-6.05 and §305-6.08(L) Screening and Buffers	In all residential areas where buildings other than single family dwellings are constructed, a buffer zone of thirty-five feet (35') must be provided as described in Section 6.05.	To the extent the site is determined to be a "residential area", Proponent requests a waiver of the requirement of a 35-foot buffer zone.
§6.07 Accessory Buildings	In the "R" District a detached accessory building shall conform to the following provisions: it shall not occupy more than 25% of the required rear yard; it shall not be less than 20 feet from the front street line, or less than 10 feet from any other lot line or from any principal building; and it shall not exceed 20 feet in height.	To the extent any accessory buildings in the portion of the site located within the "R-1" district do not comply, Proponent seeks a waiver to allow for construction of the Project as shown on the plans.
§305-6.08(B) Other General Dimensional Provisions	Except for planned developments <sup>2</sup> , community facilities, and public utilities, only one principal structure shall be permitted on a lot.	Proponent seeks a waiver to allow for multiple principal structures at the site.

<sup>2</sup> Planned Development is defined in the Marshfield Zoning By-Law as "A development involving the construction of two or more principal buildings on the same lot for any permitted use." It is unclear whether this definition applies to the Project as the Project is only "permitted" pursuant to a comprehensive permit. If the Project is not deemed a "Planned Development", the Project will require a waiver from this requirement.

<p>§305-6.08(E) Projections into Required Yards</p>	<p>Projections into required yards or other required open spaces permitted as follows: (i) balcony/bay window: limited to 'A length of building, not to project more than 2 feet; (ii) decks/terraces/steps/stoops: less than 4' in height, may project up to 'A required setback; more than 4' in height, not to project more than 2 feet.</p>	<p>As the Project will require a waiver from the rear-yard setback, projections from buildings in this yard area will not satisfy §6.08(5). Proponent seeks a waiver from this requirement.</p>
<p>Article VII of Chapter 305 Sign Regulations</p>	<p>General limitations on signage.</p>	<p>Waiver required to permit typical signage associated with multifamily development.</p>
<p>§305-8.01 Minimum Off-Street Parking Requirement</p>	<p>Multifamily dwelling use not included in table, any use permitted by the ordinance but not included in table applies the closest similar use as determined by the Building Inspector.</p>	<p>Proponent seeks waiver of applying similar use requirement as determined by Building Inspector. Proponent seeks a waiver to allow approximately 1.7 spaces per unit.</p>
<p>§305-8.05 Combined Facilities</p>	<p>Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots subject to approval by the Building Inspector where it is evident that such facilities will continue to be available for the several buildings or uses.</p>	<p>Proponent seeks waiver of the requirement that the Building Inspector approve parking for two or more buildings be provided in combined facilities.</p>
<p>§305-8.08(A) Parking and Loading Space Standards</p>	<p>The area shall be effectively screened with suitable planting or fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" District.</p>	<p>A small portion of the Site is located within the "R-1" district and is adjacent to the Sprague Forest (which is also located within the "R-1" District). Proponent seeks a waiver from this requirement to allow construction of the improvements as shown on the plan.</p>

<p>§305-8.08(L) Parking and Loading Space Standards</p>	<p>Any entrance or exit driveway shall not exceed 30 feet in width at the street line.</p>	<p>Proponent seeks a waiver to allow the construction of the Project as shown on the plans. Entrance with roundings is approximately 68 feet.</p>
<p>§305-8.08(M) Parking and Loading Space Standards</p>	<p>The Board may, by way of special permit, permit the reduction of the parking space requirements to 80% of that required in the Table of Off-Street Parking Regulations where conditions unique to the use will reasonable justify such a reduction.</p>	<p>Proponent seeks a waiver to allow approximately 1.7 spaces per unit.</p>
<p>§305-8.08(O) Parking and Loading Space Standards</p>	<p>The Board may, by way of special permit, permit the reduction of the size of the parking space to no less than 9 feet in width and 18 feet in length, plus 100 square feet of access and maneuvering space, for properties located within the B-1 zoning district where such reduced size allows for increased landscaping.</p>	<p>Parking spaces are 9 feet wide and 18 feet long. Proponent seeks waiver of requirement for Special Permit and requirement that the property be located within the B-1 in order to reduce space size.</p>
<p>§305-8.09(F) General Exterior Lighting Design Standards</p>	<p>Requires a 1.0 minimum horizontal footcandle level (maintained) measured at the point of least illumination of grades.</p>	<p>Project will have a minimum horizontal footcandle level (maintained) measured at the point of least illumination of grades of less-than 1.0. Proponent seeks a waiver from this requirement.</p>
<p>§305-10.04 Certificate of Occupancy Required</p>	<p>No certificate of occupancy shall be issued unless the building and its accessory uses and the uses of all premises are in conformity with the provisions of this Bylaw and of the building code at the time of issuance. A certificate of occupancy shall be conditional of the provisions of adequate parking spaces and other facilities as required by the Bylaw.</p>	<p>Project may involve phased occupancy. Proponent seeks a waiver to allow for a certificate of occupancy prior to completion of all buildings on site.</p>

§305-10.06 Permit Time Limits	Any work for which a permit has been issued by the Building Inspector shall be actively prosecuted within 90 days and completed within one year of the date of the issuance of the permit. Any permit issued for a project which is actively prosecuted for one year may be extended at the discretion of the Building Inspector.	Proponent seeks waiver of the requirement as Project may take longer to commence/complete.
§305-11.11 – Curb Cut Permit	All driveway openings for special permit uses must be approved by the special permit granting authority.	Proponent seeks a waiver from this requirement.

<b><u>General By-Law</u></b>		
General Bylaw Section	Requirements	Waiver Sought
Chapter 70	General provisions of the Marshfield Earth Removal Bylaw	Proponent seeks a waiver of the provisions of the Marshfield Earth Removal By-Law.
Chapter 285, Article II	General Provisions of Marshfield Water Conservation By-Law	Proponent seeks a waiver of the provisions of the Marshfield Water Conservation By-Law.
Chapter 645	General Provisions of Marshfield Sanitary Sewage Disposal By-Law	The Proponent seeks a waiver from these requirements. The Project will comply with the Massachusetts Department of Environmental Protection guidelines.