

Seekonk Zoning By-Laws			
<u>Section</u>	<u>Description</u>	<u>Existing Requirement/Project Notes</u> <i>Project Notes and/or explanations</i>	<u>Request</u>
3	Establishment of Zoning Districts		
3.1.3	Base Zoning District:	Establishes Zoning District	Exception not request
3.1.6	Base Zoning District:	Establishes Zoning District	Exception not request
4	Use Regulation		
4.1.1.3	R-3	Low Density	Exception requested
4.1.2.2	Highway Business	Comercial/Large volume of traffic	Exception requested
4.2	Use Table		
4.2.3	R-3: Residential Uses	Multifamily Dwelling Units are Prohibited	Exception requested
4.2.5	Highway Business	Multifamily Dwelling Units are Prohibited	Exception requested
4.2.3.3	Multifamily Dwelling Units	Multifamily Dwelling Units are Prohibited	Exception requested
5	Dimensional Requirements		
5.1.4	Dimensional Table		
	R-3		
	Area	40,000 S.F.	Exception not request
	Coverage	- <i>Exception requested if necessary to allow impervious coverage to be 45%</i>	<i>Exception requested</i>
	Frontage	150' <i>Existing frontage is 150.16' on Cole Street. We request to reconfigure the existing parcel and create a new parcel for the project with no frontage on a public way but in excess of 150' of frontage on Greenbrier Drive which is a private road via a Right of Way.</i>	Exception requested
	Front Yard	50' <i>No exception is believed not to be required from this requirement since no buildings will be constructed within a fifty (50) front yard from an existing public way.</i>	Exception not request
	Rear Yard	70' <i>Exception requested to allow a five (5) foot rear yard, provided that no structure is within 20' of another structure on an adjacent parcel. Please note that portions of the proposed site infringe on the existing Greenbrier Village development and some lot line adjustments are proposed and will be required to achieve the (5) five foot rear yard.</i>	Exception requested

Side Yard	35' + 5' per story <i>Exception requested to allow a five (5) foot side yard, provided that no structure is within 20' of another structure on an adjacent parcel. Please note that portions of the proposed site infringe on the existing Greenbrier Village development and some lot line adjustments are proposed and will be required to achieve the (5) five foot rear yard.</i>	Exception requested
Height	40' or 3 Stories	Exception not request
Highway Business <i>No improvements are proposed on the parcel within the Highway Business Zone</i>		
Area	10,000 S.F.	Exception not request
Coverage	30%	Exception not request
Frontage	50'	Exception not request
Front Yard	70'/50'	Exception not request
Rear Yard	20'	Exception not request
Side Yard	15'	Exception not request
Height	40' or 3 Stories	Exception not request
8	Development and Design Standards	
8.1	Parking	
8.1.1	Number of Spaces	Off-street parking shall be provided in all districts for uses where off-street parking is required, according to the standards set forth in the following schedule.
8.1.3	Parking Space Schedule	
	Land Use	
8.1.4	Residential Use subject to site plan review	Minimum: 2 Spaces per dwelling unit Maximum: 2.5 Spaces per dwelling unit <i>Exception requested to allow 1.8 spaces per dwelling unit, which is similar to the adjacent Greenbrier Village property.</i>
8.1.5	Dimension	Each off-street parking space shall be a minimum of nine (9) feet in width by twenty (20) in length. <i>Exception requested to allow parking spaces to be a minimum of eight feet (8) feet six (6) inches in width by twenty (18) in length. Note: This exception in combination with the next exception request will result in over a reduction in impervious parking area in excess of a half acre.</i>
8.1.5	Aisle and Entrance Dimensions	The minimum width of aisles and entrance drives providing access to more than two spaces shall be at least 24 feet wide. On lots where one entrance and exit driveway or access is constructed, the access shall not exceed fifty-four (54) feet in width. Where two or more driveways or accesses are constructed, the accesses shall each not exceed thirty (30) feet in width. For automotive service stations, the maximum width shall be thirty-two (32) feet for each driveway or access. <i>Exception requested to allow the minimum width of aisles and entrance drives providing access to more than two spaces to be at least twenty-two (22) feet wide. Note: This exception in combination with the previous exception request will result in over a reduction in impervious parking area in excess of a half acre.</i>

8.1.12.9	Traffic Impact Analysis	If the proposed development may generate 100 or more additional peak hour trips, based on the Institute of Traffic Engineers (ITE) Trip Generation Handbook, or if the Board determines that a safety or capacity deficiency exists, a traffic Impact analysis prepared by a registered professional engineer shall be submitted by the applicant of existing conditions and future conditions with the proposed development <i>Exception requested to prepare a traffic analysis. The proposed project provides approximately four hundred forty parking spaces and will eliminate approximately seven hundred eighty parking spaces at the "Showcase Building" which is an overall decrease of approximately three hundred forty parking spaces.</i>	Exception requested
8.4	Landscaping		
8.4.5	Requirements for Site Plan Review		
8.4.5.1		A minimum 10 foot landscaped buffer around the perimeter of all sites shall be provided. A 25 foot buffer containing landscaping, a grassed earth berm, a fence, masonry wall or some combination of these screening devices, shall be provided on each side, which adjoins or faces the side or rear lot line of a parcel in residential use or in a residence district to buffer non-residential sites from residential areas <i>Exception requested to allow the minimum five (5) foot landscape buffer, because some of the proposed buildings will be within five (5) feet of the parcel boundary.</i>	Exception requested
8.4.5.2		Each double row of parking spaces shall be terminated by landscaped islands which measure not less than ten feet in width and not less than 36 feet in length. The interior of parking lots shall have at a minimum landscaped center islands at every other double row. Pedestrian paths may be incorporated within the landscaped area provided a minimum of four feet, exclusive of paved areas, is maintained for all landscaped areas. Said double rows of parking spaces shall not exceed twenty (20) adjacent spaces or ten (10) spaces in each row.	Exception requested.
8.4.5.3		The interior of parking areas shall be shaded by deciduous trees, which at maturity, each tree shall be presumed to shade a circular area having a radius of 15 feet with the trunk as the center. There must be sufficient trees so that, using this standard, 30 percent of the parking will be shaded.	Exception requested.
8.4.5.6		Garbage collection, recycling areas, utility areas and other outside storage areas shall be screened by a planted buffer strip along three sides of such a facility. Planting material should include a mixture of evergreen trees and shrubs. <i>Exception requested to allow alternate screening methods/materials.</i>	Exception requested.
8.6	Buildings		
8.6.1	Architectural Guidelines	The design of proposed buildings, structures, and additions shall complement, whenever feasible, the general setback, roof line, arrangement of openings, color, exterior materials, proportion, and scale of existing buildings in the vicinity.	Exception requested
8.8	Signs		
8.8.4	Signs - Highway Business District		
8.8.4.3		Free-standing signs are limited in number to one per contiguous land ownership, not per lot. Only one free-standing sign is permitted for the whole combination of any number of lots mutually adjoining in a single or common ownership on one side of a street. <i>Exception requested to allow two signs, one for the commercial use within the Highway Business District and one for the proposed multifamily residential development.</i>	Exception requested

8.8.5	Signs - Residential District		
8.8.5.3		<p>One double-faced sign not in excess of one (1) square foot per face is permitted to advertise taking of boarders, earth removal, or home occupation. Such signs may be combined with the residence identifications sign for a single double-face sign not in excess of two (2) square feet per face.</p> <p><i>Exception requested to allow a sign for the proposed multifamily residential development.</i></p>	Exception requested
8.8.5.4		<p>For permitted uses, other than residential, in Residential Districts or as limited otherwise, one double faced sign of not over twelve (12) square feet per face is permitted.</p> <p><i>Exception requested to allow a sign for the proposed multifamily residential development.</i></p>	Exception requested

Seekonk Conservation Commission General Wetlands Protection By-Laws			
<i>Exception requested to not adhere to Seekonk Conservation Commission General Wetlands Protection By-Law, so that the Massachusetts Wetlands protection Act would be the minimum requirements for this project.</i>			
<u>Section</u>	<u>Description</u>	<u>Existing Requirement/Project Notes</u> <u>Project Notes and/or explanations</u>	<u>Request</u>
9	Definitions	<p>The term "vernal pool" shall include a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.</p> <p><i>Exception requested that the definition of "vernal Pool" be as defined by the State of Massachusetts Wetland Protection Act (WPA). Most particularly that following language in quotes "as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by Massachusetts Division of Fisheries and Wildlife" be stricken from the defintion of "vernal pool".</i></p>	Exception requested
Seekonk Conservation Commission Wetland Regulations			
<i>Exception requested to not adhere to Seekonk Conservation Commission Wetland Regulations, so that the Massachusetts Wetlands protection Act would be the minimum requirements for this project.</i>			
<u>Section</u>	<u>Description</u>	<u>Existing Requirement/Project Notes</u> <u>Project Notes and/or explanations</u>	<u>Request</u>
1.4.4	Filing Fees	<p>Filing fees are payable at the time of submission of Request for Determination or Notices of Intent. Checks or money orders should be payable to "Town of Seekonk", with the exception of the recording fee.</p> <p><i>Exception requested that only the State of Massachusetts Wetland Protection Act (WPA) fees are required.</i></p>	Exception Requested

1.4.4.2	Notice of Intent	In addition to any fees mandated by state law, the proponent shall pay to the Town of Seekonk the local filing fee, which shall be as set forth in APPENDIX E: FILING FEES FOR NOTICES OF INTENT. <i>Exception requested that only the State of Massachusetts Wetland Protection Act (WPA) fees are required.</i>	Exception requested
1.4.5	Consultant Fees		
1.4.5.1	Statement of Interest	<p>The consultant fee may only be invoked with respect to compliance with the ByLaw; it may not be used to determine compliance with the Massachusetts Wetlands Protection Act. The Commission must strive to limit the amount and scope of the consultant's work.</p> <p>The applicant has the burden of proof (1) that the proposed activity will not have a significant, unacceptable or cumulative effect upon any of the wetland values of the ByLaw, and (2) that the activity will comply with the performance standards established for each resource area. It is the applicant's responsibility to familiarize itself with the requirements of the ByLaw and these regulations and to file a complete application. However, the applicant shall be allowed the opportunity to furnish additional information in the course of the public hearing, including information deemed necessary by the Commission to evaluate the impacts of the proposed activity on resource areas.</p> <p>The consultant fee shall be invoked only on a case-by-case basis, and not as a rule. Even if the Commission decides that the services of an independent consultant are necessary, the Commission has the discretion not to pass on to the applicant any or all of those costs</p>	Exception requested
2.2	Performance Standards		
2.2.1.1	Activities in Resource Areas		
2.2.1.1.c		<p>In order to preserve water quality, all unvegetated drainage outfall structures (including outfall pipes, and riprap or velocity dissipators) shall be set back at least 50 feet horizontally from the edge of the wetland resource area; the Commission may require an additional setback (not to exceed a total setback of 100 feet horizontally from the wetland resource area) due to conditions affecting water quality, including but not limited to slope, soil infiltration rates, vegetative cover, and the effectiveness of the proposed stormwater Best Management Practices in preventing erosion and channelization within the Buffer Zone and in promoting infiltration, sheetflow runoff, and removal of sediments, nutrients and other pollutants.</p> <p><i>Exception requested to allow all unvegetated drainage outfall structures to be within five feet from the edge of the wetland resource area proper with no additional setback requirements.</i></p>	Exception requested

2.2.2 Specific Standards	
2.2.2.1	<p>Buffer Zone</p> <p>Where an activity is proposed within the Buffer Zone, the Commission shall presume that the activity has a high likelihood of altering any resource area adjacent to the Buffer Zone unless the proponent proves by a preponderance of the credible evidence that either:</p> <p>a) The Buffer Zone does not play a role in the protection of any of the wetland values of the Bylaw; or</p> <p>b) the activity shall occur in such a manner that any potential adverse environmental impacts on any of the wetland values are avoided.</p> <p>Notwithstanding any of the above, the placement of impervious surface in the Buffer Zone is limited to the greater of:</p> <p>a) 25% of the Buffer Zone; or</p> <p>b) the percentage of the Buffer zone covered by previously-placed impervious surface due to activity allowed at the time it was placed.</p>
2.2.2.2	<p>Buffer Strip</p> <p>Where an activity is proposed within the Buffer Zone to a wetland, vernal pool, bank or beach, or isolated land subject to flooding, the Commission shall require that a continuous Buffer Strip (at least 25 feet wide) of undisturbed, natural vegetation be maintained between the proposed activity and the resource area(s). In the course of reviewing proposed activities within the buffer zone, the Commission may require that a buffer strip be created where none currently exists, where, in the judgment of the Commission, damage has occurred due to previous activities.</p> <p>In designing a project to meet this performance standard, the applicant shall take into account not only proposed construction activity, but also realistic future use of the site. As an example, in the case of construction of a single-family residence, it shall be presumed that such future use includes a yard, and that the yard shall extend at least 25 feet horizontally from the structure, exclusive of any portion of the Buffer Strip. Typically, the Commission shall expect new structures sited at least 50 feet from wetland resource area(s), and that a Buffer Strip significantly greater than 25 feet will be provided where slopes exceed 25%.</p> <p>When partial encroachment of proposed structures into the 25-foot "yard" setback is unavoidable, the applicant may mitigate the encroachment by increasing the Buffer Strip area by an amount equal to or greater than the encroachment into the "yard". The following guidelines are offered: (1) The encroachment should not exceed 10% of the total recommended "yard" setback for the lot; and (2) The encroachment should not exceed one quarter of the recommended width of the total setback from the resource area.</p>

		<p>It is the applicant's responsibility to demonstrate to the Commission's satisfaction that realistic future use of the site is not likely to result in intrusion into, or alteration of, the Buffer Strip. The Commission may require the applicant to submit a use plan and narrative as part of that demonstration. At the Commission's request, the applicant shall demonstrate to the Commission's satisfaction that work or activities proposed at the edge of the Buffer Strip are necessary and that reasonable alternatives, including reducing the scale and scope of the project or adjusting other setbacks, do not exist.</p>	
2.2.2.4	Wetland	<p>Where a proponent proposes altering a wetland, the Commission shall presume that the wetland is significant to all the wetland values of the Bylaw. This presumption is rebuttable, and can be overcome upon the applicant proving by a preponderance of the credible evidence that the wetland does not play a role in the protection of any of the wetland values. In the event the presumption is not overcome, no activity may alter a wetland area, except that, the Commission, at its discretion, may issue an Order of Conditions permitting any activity to alter a wetland when all of the following conditions are met:</p> <ul style="list-style-type: none">a) the area to be altered is less than 5,000 square feet;b) the proponent has provided the Commission with an evaluation of the reasonableness of any previously or currently available alternatives;c) every reasonable effort has been made to minimize the amount of wetland altered;d) the replicated wetland shall be created in a non-wetland area located within the bounds of the proposed project on at least a one-to-one basis, shall comply with the performance standards identified in 310 CMR 10.55 (4)(b) and any amendments thereof and shall protect the wetland values of the Bylaw;e) provisions are made for monitoring replicated wetland areas for a period of not less than 2 years. The project proponent shall present to the Commission for its approval a monitoring proposal and annual reporting system lasting for the term specified by the Commission. The Commission may require a performance bond. The performance bond shall be the sum of the amount necessary to: 1) Pay for replication of the area in the event that the original replication has failed in the opinion of the Commission and such experts as they may consult so to achieve at least 50 % re-vegetation of the native wetland plant species and to pay for the costs incurred by the Commission to monitor the replication for the term specified by the Commission. The amount of the performance bond shall be proposed by the proponent, reviewed by the Commission, and if found to be appropriate by the Commission, shall be approved by the Commission;	Exception requested

		<p>f) upon the successful completion of the project, but prior to the issuance of a Certificate of Compliance under the Town of Seekonk's Wetlands Protection Bylaw, at the proponent's expense, a registered land surveyor shall indicate the replicated wetland(s) on, and deliver certified, stamped copies of the "as-built plan" to the Seekonk Conservation Commission.</p>	
2.2.2.6	Land Subject to Flooding (bordering and isolated)	<p>Where a proposed activity will alter land subject to flooding, the Commission shall presume that the land is significant to all the wetland values of the Bylaw. This presumption is rebuttable, and can be overcome by the proponent's proving by a preponderance of the credible evidence that the land does not play a role in the protection of any of the wetland values. In the event that the presumption is not overcome, any activity within land subject to flooding shall:</p> <ul style="list-style-type: none">a) comply with the performance standards identified in 310 CMR 10.57(4)(a-b) and any amendments thereof; andb) not alter the ability of the land to provide breeding habitat, escape cover, or food for wildlife; andc) neither decrease the flood storage capacity, nor increase or decrease the groundwater infiltration rate of the land.	Exception requested
2.3	Limited Projects		
		<p>Notwithstanding the provisions of 2.2.2, the Commission may issue an Order of Conditions, which will protect the wetland values identified in the Bylaw permitting the following limited projects:</p>	
2.3.2	Access	<p>The construction of a new roadway or driveway of minimum practical width acceptable under any other Town bylaw or regulation, provided there exists no alternative reasonable use of the land and no possible reasonable alternative means of access from a public way to an upland area. The Commission shall require that the proponent minimize all potential impacts to the resource areas impacted by the project.</p> <p><i>Exception requested to allow the access driveway off Greenbrier Drive to the proposed project area impact a previously proposed wetland replication area and allow the replication to be relocated.</i></p>	Exception requested