

**AIDYLBERG III – 38 WING ROAD, OAK BLUFFS
COMPREHENSIVE PERMIT
REQUESTED WAIVERS**

Applicants request that the Oak Bluffs Zoning Board of Appeals (“Board”) issue a Comprehensive Permit for the five (5) unit elderly affordable rental project, Aidylberg III, (“Project”) as shown on the proposed drawings and plans submitted herewith (“Plans”). Under M.G.L. c. 40B, §§. 20-23, the Comprehensive Permit will be a master permit for the Project and will be issued in lieu of any requirement that the Applicant apply to any other Local Boards

Under 760 CMR 56.02, the term “Local Board” means any local board or official, including, but not limited to, any board of survey, board of health, planning board, conservation commission, historical commission, water, sewer or other commission or district; fire, police, traffic, or other department, building inspector or similar official or board, and any select board or any other board that performs functions usually performed by locally created boards. Waivers requested from the Local Requirements and Regulations shall be acted upon accordingly by the Board, so that the Applicant need not make separate applications to the individual Local Boards.

Please note that the Applicant will comply with all technical local requirements related to connecting to the municipal water systems unless a specific waiver is requested and granted. The Applicant hereby requests waivers for the Project from otherwise applicable local building permit and water connection and related fees required for the 5 units (all affordable units).

The Applicant reserves the right to amend the Requested Waivers during the public hearing process and hereby requests waivers from the Board for the Project from the following Local Requirements and Regulations and requests that all of the waivers identified below be granted.

A. Oak Bluffs Zoning Bylaw Provisions

As provided for under 760 CMR 56.05(7), the Applicant seeks waivers only from the “as-of-right” zoning requirements set forth in the Oak Bluffs Zoning By-law (“ZBL”) as set forth below. No waivers are needed (or sought) from any special permit requirement set forth under the Zoning Bylaws because 760 CMR §56.05(7) expressly provides that: “Zoning waivers are required solely from the “as of right” requirements of the zoning district where the project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district.”

The Applicant believes that it *does* comply with the following dimensional requirements of the Zoning Bylaw:

1- The Lot is a conforming R-2 lot per Appendix B - Lot is 36,182 sq ft; minimum required is 20,000 sq ft; and Lot frontage is 160.90 ft.; minimum required is 115 ft. of frontage.

- 2- The structure conforms to required setbacks & building height (Appendix B).
- 3- The Project meets the lot coverage requirements (Section 4.2.5).
- 4- The Project meets the parking requirements (Section 5.1).
- 5- If a new sign is to be proposed, it will either comply with Section 5.3, or the Applicant will submit a waiver request with a sign design and dimensions.

The Applicant requests Waivers from the following:

Section 3.1 – Appendix - use relief for a multifamily building and use

Section 4.2.4 - to allow for five dwelling units on one lot.

B. Fees

As stated above, the Applicants requests that the otherwise applicable building permit fees and water connection fees be waived.

The Applicant reserve the right to modify the waiver requests during the public hearing.