

Seekonk Zoning By-Laws			
Section	Description	Existing Requirement/Project Notes Project Notes and/or explanations	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 Requirments		
5.1.4	Dimensional Table		
	R-3		
	Area	40,000 S.F.	Exception not requested
	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 poroposed site infringe on the exisiting 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 poroposed site infringe on the exisiting 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
8	Development and Design Standards		
8.4	Landscaping		
8.4.5	Requirments 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.
8.4.5.6		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.
8.8	Signs		
8.8.5	Signs - Residential District		
8.8.5.3		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. <i>Exception requested to allow a sign for the proposed multifamily residential development.</i>	Exception requested
8.8.5.4		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. <i>Exception requested to allow a sign for the proposed multifamily residential development.</i>	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>			
Section	Description	Existing Requirement/Project Notes Project Notes and/or explanations	Request
9	Definitions		
		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. <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 definition of "vernal pool".</i>	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>			
Section	Description	Existing Requirement/Project Notes Project Notes and/or explanations	Request
1.4.4	Filing Fees	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. <i>Exception requested that only the State of Massachusetts Wetland Protection Act (WPA) fees are required.</i>	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	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. 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. 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	Exception requested
2.2	Performance Standards		
2.2.1.1	Activities in Resource Areas		
2.2.1.1.c		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. <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 and to allow perpetual maintenance.</i>	Exception requested
2.2.2	Specific Standards		
2.2.2.1	Buffer Zone	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: a) The Buffer Zone does not play a role in the protection of any of the wetland values of the ByLaw; or b) the activity shall occur in such a manner that any potential adverse environmental impacts on any of the wetland values are avoided. Notwithstanding any of the above, the placement of impervious surface in the Buffer Zone is limited to the greater of: a) 25% of the Buffer Zone; or b) the percentage of the Buffer zone covered by previously-placed impervious surface due to activity allowed at the time it was placed.	Exception requested
2.2.2.2	Buffer Strip	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 areas(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. 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%.	Exception requested

	<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> <p><i>Exception requested to allow all the installation of improvements to be within five feet from the edge of the wetland resource area proper (Bordering Vegetated Wetland) with no additional setback requirements for a vernal pool outside of the state defined resource area and to allow perpetual maintenance of all areas developed under this exception.</i></p>		
<u>Town By-Laws</u>			
<p><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></p>			
<u>Category</u>	<u>Description</u>	<u>Existing Requirement/Project Notes</u> <u>Project Notes and/or explanations</u>	<u>Request</u>
17A	Earth Removal		
		<p>Permit for Earth removal in excess of eight (8) cubic yards</p> <p><i>Exception requested to obtain an earth removal permit, or the earth removal permit be granted as part of the Comprehensive Permit.. This project will grossly exceed the earth removal quantity and therefore and exception is requested from this requirement.</i></p>	Exception requested
17B	Placement of Fill		
		<p>Permit for Placement of Fill in excess of thirty (30) cubic yards</p> <p><i>Exception requested to obtain a permit for placement of fill, or the placement of fill permit be granted as part of the Comprehensive Permit.. This project will grossly exceed the placement of fill quantity and therefore and exception is requested from this requirement.</i></p>	Exception requested