

April 13, 2022

Zoning Board of Appeals  
City of Waltham  
119 School Street  
Waltham, MA 02452

**RE: Request for determination of insubstantial change to Comprehensive Permit - 305 Winter Street**

Dear Members of the Board:

The following is a notification by Broadstone Winter Street Alliance, LLC (the “Applicant”) of minor changes made to the details of the above-referenced Project and a request that the Board issue a determination that such changes are insubstantial changes to the Comprehensive Permit, pursuant to 760 CMR 56.05(11).

As the Applicant advanced design from permit concepts to Construction Documents, customary adjustments were made to the project plans upon which the Comprehensive Permit for 305 Winter Street is based. The Building Department noted on April 6, 2022 that it would like confirmation that minor changes made to the building setbacks, FAR, lot coverage, and open space meet the standard of insubstantial changes per the regulations.

As you know, the regulations provide a list of examples and factors for changes that rise to the level of substantial changes in 760 CMR 56.07(4)(c). Those items include a 10% increase in building height, a 10% increase in the number of units, or a change in building type.

The following are the changes made to the Project and all fall substantially short of those tests and are well below the 10% factors considered for substantial project changes in 760 CMR 56.07(4).

Front Yard Setback

The front yard setback of 65.4’ is now 62.4’, resulting in a 4.6% variance.

Westerly Side Yard Setback

The westerly side yard setback of 58.1’ has been reduced to 54.8’, resulting in a 5.7% variance.

Easterly Side Yard Setback

The easterly side yard setback of 58.4’ is now 56.2’, resulting in a 3.8% variance.

Rear Yard Setback

The rear yard setback of 146.8’ is now 146.4’, resulting in a 0.3% variance.

FAR

The FAR of 1.65 is now 1.74, resulting in a 5.5% variance. **Please note that this change is primarily the result of the conversion of some otherwise unusable garage square footage to mechanical space.**

Lot Coverage

The lot coverage of 36.0% is now 36.5% resulting in a change of 0.5%.

Open Space

The 53.3% open space is now 55.4% resulting in a change of 2.1%.

As none of these adjustments reach the 10% standard for substantial changes, and all fall well below the threshold of substantially more height or units as noted above, the Applicant respectfully requests that the ZBA determine these changes are insubstantial relative to the State regulations regarding this matter. As you know and per 760 CMR 56.05(11), the Board shall determine and notify the Applicant whether it deems the changes substantial or insubstantial, with reference to the factors set forth at 760 CMR 56.07(4) within 20 days of this letter. Thank you for your consideration of this matter.

Sincerely,



Sean Henry,  
Vice President  
Alliance Residential Company