

Draft Brush Hill Road Sherborn Waiver List
June 2024

Article/Section	Subject	Requirement	Waiver Requested/Applicability
Comprehensive Permit Rules of the Sherborn Zoning Board of Appeals (Adopted August 28, 2001, Amended September 14, 2016)			
1.0	Purpose and Authority	Compliance with 760 CMR 31.01	760 CMR 30.00 and 31.00 were replaced in 2008 with 760 CMR 56. A waiver is sought for these sections in their entirety and to the extent they conflict with 760 CMR 56.00, the later shall control.
3.1(a) and (c)	Filing, Time Limits, and Notice	All structures of five or more units shall have site development plans signed by a registered architect. ...drawings shall be signed by a registered architect.	760CMR 56.05(2a) and (2c) Local Hearings, Elements of Submission, Filing Fees does not require drawings to be signed by a registered architect only prepared by a registered architect. A waiver is sought for these sections in their entirety.
3.1(e)	Filing, Time Limits, and Notice	...a preliminary subdivision plan that complies with the rules and requirements for preliminary subdivision plans promulgated by the Sherborn Planning Board.	760CMR 56.05(2e) Local Hearings, Elements of Submission, Filing Fees does not require drawings comply with local planning board regulations. A waiver is sought for this section in its entirety to the extent that it would apply additional local requirements to the project site or any portion thereof. Instead, all work will be permitted pursuant to M.G.L. c. 40B and the regulations thereunder, as well as all state and federal regulation which may be applicable to the project site and any portion thereof.
3.1(j)	Filing, Time Limits, and Notice	Compliance with 760 CMR 31.01	760 CMR 30.00 and 31.00 were replaced in 2008 with 760 CMR 56.00. A waiver is sought for these sections in their entirety to solely it and to the extent they conflict with 760 CMR 56.00, the later shall control.
3.1(l)	Filing, Time Limits, and Notice	...proposed marketing plan, proposed regulatory agreement....pro-forma financial statements.	760 CMR 30.00 and 31.00 were replaced in 2008 with 760 CMR 56.00. These elements are not required under 760 CMR 56.00 at the time of filing with a Zoning Board of Appeals. A waiver is sought for these sections in their entirety to solely it and to the extent they conflict with 760 CMR 56.00, the later shall control.

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3.1(m)	Filing, Time Limits, and Notice	The names of all abutters as determined from the most recent Abutters' List	760 CMR 30.00 and 31.00 were replaced in 2008 with 760 CMR 56.00. No waiver requested.
3.1(n)	Filing, Time Limits, and Notice	Ten copies of the application, and five copies of any subsequent or supplemental materials filed in connection therewith shall be provided to the Board.	760 CMR 30.00 and 31.00 were replaced in 2008 with 760 CMR 56.00. 760 CMR 56.00 requires "an application". The Applicant has provided hard copies of plans, five hard copy notebooks with each application and an electronic version of the application. A waiver is sought for this section in its entirety to solely it and to the extent it conflicts with 760 CMR 56.00, the later shall control.
Zoning By-Laws of the Town of Sherborn - Including changes made at the 2022 ATM			
Section 1 General			
1.6	Prohibited Uses	Any building, structure, sign or any use of any building, structure or premises, not expressly allowed, permitted or exempted by this By-Law is prohibited.	A waiver is sought for these sections in their entirety to solely if and to the extent that they conflict with M.G.L.c. 40B and the regulations thereunder. In the event of a conflict between the requirements of these sections and M.G.L. c. 40B and the regulations thereunder, the latter shall control.
Section 3 Use Regulations			
3.1	Basic Requirements	Except as permitted by Section 3.4, no building, structure, or land shall be adapted, constructed or used for any purpose or in any manner other than as permitted and set forth in Section 3.2, Schedule of Use Regulations, of this By-Law.	The applicant seeks to construct an 8 single family home for sale residential development which is not a permitted use in the RB zoning district. A waiver of the requirements of these sections (as well as the relevant dimensional requirements of that district) is thus sought to allow the project pursuant to M.G.L. c. 40B and the regulations thereunder.
3.2 – Schedule of Use Regulations		See Section 3.2, Schedule of Use Regulations, for definitions. Item 26 Multi Dwellings is Prohibited in an	A waiver of the requirements of these sections (as well as the relevant dimensional requirements of that district) is thus sought to allow the project pursuant to M.G.L. c. 40B

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		RB District	and the regulations thereunder.
Section 4 Dimensional Regulations			
4.1	Basic Requirements	Except as provided in Section 4.4, every lot shall conform to the dimensional requirements set forth in Section 4.2 and 4.3, and no building or structure, except fences six (6) feet or less in height, in any district shall be built, located, enlarged or structurally altered which does not conform to such dimensional requirements.	The applicant seeks to construct an 8 home for sale residential development which is not a permitted use in the RB zoning district. A waiver of the requirements of these sections (as well as the relevant dimensional requirements of that district) is thus sought to allow the project pursuant to M.G.L. c. 40B and the regulations thereunder.
4.2	Schedule of Dimensional Requirements	Dimensional requirements applicable in the RA zoning district (all uses): Minimum Lot Area: 2 acre Minimum Frontage: 200 ft. Minimum Lot Width 200 ft. Minimum Front Yard: 60 ft. Minimum Side Yard: 40 ft. Minimum Rear Yard: 30 ft. Maximum No. of Stories: 2.5 Maximum Height: 35 ft. Maximum Building Area: N/A Minimum Open Space: N/A	The applicant seeks to construct an 8 home for sale residential development which is not a permitted use in the RB zoning district. The project consists of the new construction of a total of 8 homes with the following dimensions: Minimum Lot Area: 5.1 acres no waiver requested Minimum Frontage: 50 feet waiver requested Minimum Lot Width 50 feet ft. waiver requested Minimum Front Yard: <60 ft. no waiver requested Minimum Side Yard: <40 ft. no waiver requested Minimum Rear Yard: <30 ft. no waiver requested Maximum No. of Stories: <2.5stories no waiver requested Maximum Height: <35feet no waiver requested Maximum Building Area: N/A Minimum Open Space: N/A
Section 5 Special Regulations			
5.1.1	Minimum Parking Requirements	Multi-dwelling Project 1.5 spaces for each dwelling unit	The applicant seeks to construct an 8 home for sale residential development which is not a permitted use in the RB zoning district. 2.0 spaces per dwelling unit provided, No waiver requested

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5.1.5	Screening of Parking Areas	All open off-street parking areas, permitted and/or required, which are located within a Residence District, or adjacent to a Residence District, shall be screened from all adjoining lots in the Residence District by: a) a strip four (4) feet wide, densely planted with shrubs or trees at least four (4) feet in height; or b) a solid wall or fence not less than four (4) feet nor more than six (6) feet in height.	A waiver sought for this section in its entirety. Instead, all screening and buffering, as shown on the project plans submitted herewith, will be permitted under M.G.L. c. 40B and the regulations thereunder as part of the Comprehensive Permit for this project.
5.2	Signs	Requirements for Signs	A waiver is sought for this section in its entirety to allow project signage as shown on the project plans submitted herewith. The applicant requests a waiver from the requirement of obtaining a separate sign permit for any such signage. Instead, the project, including all signage, will be permitted under M.G.L. c. 40B and the regulations thereunder as part of the Comprehensive Permit for this project.
Sec. 5 § 5.4	Material Removal	The removal of sod, loam, clay, sand, gravel, stone (whether quarried or not), stone walls along a public way, or other natural inorganic material from the premises in any residential or business district is prohibited except in instances when such removal is (1) incidental to the lawful construction or alteration of a building or structure (provided that such removal does not exceed five hundred [500] cubic yards), or the lawful construction of a driveway on the portion of the premises where the removal occurs (provided that such removal does not exceed fifty [50] cubic	A waiver is sought for this bylaw in its entirety. Instead, all aspects of the site plan and construction, including material removal will be approved under M.G.L. c. 40B and the regulations thereunder as part of the Comprehensive Permit for this project, subject to any/all applicable state and federal regulations.

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		yards), or (2) incidental to the construction or operation of public works by the Town or other public body	
Section 6 Special Permit Granting Authority			
6.1	General Authority and Conditions	As required by Chapter 40A of the General Laws, this Zoning By-Law provides for specific types of uses which are only permitted in specific districts upon the granting of a special permit by the Special Permit Granting Authority (hereinafter referred to as the Authority) in the manner provided herein.	A waiver is sought for these sections in their entirety to solely if and to the extent that they conflict with M.G.L.c. 40B and the regulations thereunder. In the event of a conflict between the requirements of these sections and M.G.L. c. 40B and the regulations thereunder, the latter shall control.
Section 7 Administration			
7.0	Procedure and Coordination	1. All applications for the construction, reconstruction, alteration, repair, demolition, removal or change in use or occupancy of buildings and structures shall be submitted to the Building Commissioner in accordance with the State Building Code 780 CMR. 2. Such applications for a new structure or the expansion of an existing structure shall be accompanied by either a) an Order of Conditions issued by the Sherborn Conservation Commission (or a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection) or b) a Negative Determination of Applicability issued by the Sherborn Conservation Commission or its Agent. See M.G.L. Chapter 131, Section 40. 3. If the application is for a new structure, or the expansion of an existing structure, or the renovation of an existing dwelling the application shall be accompanied with an	A waiver is sought for these sections in their entirety. These waivers are procedural waivers only. To the extent the Board prefers, these waiver requests may be denied with a notation that a separate approval is not required as this permitting process is subsumed under M.G.L. Chapter 40B.

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		approval from the Board of Health with respect to the on-site septic or a notation from the Board of Health or its administrative staff, that no further Board of Health action is required. See Rules and Regulations of the Sherborn Board of Health.	
General By-Laws of the Town of Sherborn - Includes changes made at the 2017 ATM			
Chapter 17	Sherborn Wetlands Regulations General Wetlands By-Law	The purpose of this By-Law is to protect the wetlands of the Town of Sherborn by controlling activities deemed to have a significant effect upon wetland values, including, but not limited to, the following: public or private water supply, ground water, flood control, erosion control, storm damage, water pollution, and wildlife habitat (collectively, the “interests protected by this By-Law”)	No waiver requested
Chapter 21	Groundwater Protection Bylaw	The purpose of this Bylaw is to promote the health, safety and welfare of the inhabitants of the Town of Sherborn by protecting, preserving and maintaining the groundwater supplies of the Town.	A waiver is sought for this section in its entirety. This waiver is a procedural waiver only. To the extent the Board prefers, this waiver request may be denied with a notation that a separate approval is not required as this permitting process is subsumed under Chapter 40B.
Chapter 22	Construction of driveways	No driveway shall be constructed or substantially altered at the point of intersection with a public street or private way unless a written permit is first obtained from the Superintendent of Streets in accordance with rules and regulations adopted by the Board of	A waiver is sought for this bylaw in its entirety. Instead, all aspects of the site plan and construction, including driveways, will be approved under M.G.L. c. 40B and the regulations thereunder as part of the Comprehensive Permit for this project, subject to any/all applicable state and federal regulations.

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		Selectmen. No provision of these rules and regulations shall operate so as to prevent construction on any lot on which such construction would otherwise be permitted.	
Chapter 25	Comprehensive Stormwater Management By-Law	The purpose of this By-law is to regulate discharges to the Municipal Separate Storm Sewer System (MS4) to protect the Town of Sherborn's water bodies and groundwater and to safeguard the public health, safety, welfare and the environment. If the activity will disturb or alter one acre or more of land, either initially or as part of a common plan for development that will disturb or alter one acre or more of land, without obtaining a Stormwater Management Permit (SMP) from the Planning Board. Any activity that is subject to Site Plan Review or the Subdivision Control Law or requires a Special Permit from the Planning Board per the Sherborn Zoning Bylaw shall be eligible for an SMP to be reviewed and granted as a component of such other permitting process.	A waiver is sought for this bylaw in its entirety. This waiver is a procedural waiver only. To the extent the Board prefers, this waiver request may be denied with a notation that a separate approval is not required as this permitting process is subsumed under Chapter 40B.
Rules and Regulations of the Sherborn Planning Board - February 9, 2011			
<i>Rules And Regulations Governing Special Permit Requests</i>			
Section 3	Site Plan Review	Rules and regulations governing special permit requests	A waiver is sought for this section in its entirety. This waiver is a procedural waiver only. To the extent the Board prefers, this waiver request may be denied with a notation that a separate approval is not required as this permitting process is subsumed under Chapter 40B.
<i>Rules And Regulations Governing The Administration Of Scenic Roads</i>			

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Section 2	Plans Not Requiring Approval Under The Subdivision Control Law	After a road has been designated as a scenic road, any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with prior written consent of the Planning Board, or if there is no planning board, the Selectmen of a town, or the city council of a city, after a public hearing duly advertised	A waiver is sought for this section in its entirety. This waiver is a procedural waiver only. To the extent the Board prefers, this waiver request may be denied with a notation that a separate approval is not required as this permitting process is subsumed under Chapter 40B.
<i>Rules And Regulations Governing Special Permit Requests And Site Plan Review</i>			
Section 2	Plans Not Requiring Approval Under The Subdivision Control Law	All applicants for a site plan review under Section 5.3 of the Zoning Bylaws or an exemption on minimum street frontage requirements under Section 4.4 of the Zoning Bylaws or other special permit requests from the Planning Board shall submit to the Planning Board a completed Petition for Special Permit on the form annexed hereto.	A waiver is sought for this section in its entirety. This waiver is a procedural waiver only. To the extent the Board prefers, this waiver request may be denied with a notation that a separate approval is not required as this permitting process is subsumed under Chapter 40B.
Town of Sherborn – Board of Health Regulations – January 2020			
Section 1	Sewerage Disposal	No system or facility to be used for treating, neutralizing, stabilizing or disposing of wastewater from homes, public buildings, commercial or industrial buildings or any other types of establishments shall be located, constructed, altered, repaired or installed until a Disposal Works Construction Permit for such work shall have been issued by the Board of Health.	The applicant seeks to construct an 8 home for sale residential development which is not a permitted use in the RB zoning district. The applicant seeks a Disposal Works Construction Permit pursuant to Title V. The applicant requests a waiver of all requirements except for: 3.4.1 Plan Requirements 3.4.2 Design Requirements 3.4.3 As Built Plans 18.3 Temporary Facilities
Section 2	Domestic Water	No private or semi-public water supply shall be	The applicant seeks to construct an 8 home for sale

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	Supply	installed, altered or repaired until a permit has been obtained from the Board of Health or its Agent.	residential development which is not a permitted use in the RB zoning district. The applicant requests a waiver of all requirements except for: 15.0.B. Well Abandonment Procedures 17.6 Other Use Prohibitions: Wells used for drinking water and domestic water supply shall not be used to provide water for ground water heat pump systems, water-based cooling systems, or industrial or manufacturing processes or systems
	Subsection 6.0 Well Location	States that “domestic wells shall be located no less than seventy five (75) feet from any adjacent well”	The applicant seeks to construct an 8 home for sale residential development which is not a permitted use in the RB zoning district. The applicant requests a waiver of all requirements.
	Subsection 7.0 Number of Wells	States that “No well shall be used to supply more than one dwelling unless permitted as a Public Water Supply (310 CMR 22) by MassDEP.”	The applicant seeks to construct an 8 home for sale residential development which is not a permitted use in the RB zoning district The applicant requests a waiver of all requirements.
Section 3	Public And	The applicant for any proposed project of ten	The applicant seeks to construct an 8 home for sale

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	Environmental Health Review Regulations And Standards For Other Than A Single-Family Dwelling On A Single Lot	(10) or more dwelling units, whether in a subdivision or on an approved roadway, or any commercial or industrial development with a gross floor area exceeding 7500 square feet, or a design sewage flow of 2000 gallons per day or greater, or any Planned Unit Development (PUD), or any earth removal project exceeding 350 cubic yards of material per lot, or 1000 cubic yards of material per project, shall submit an ENVIRONMENTAL HEALTH IMPACT REPORT (EHIR) to the Board of Health.	residential development which is not a permitted use in the RB zoning district. A waiver is sought for this section in its entirety except as noted below, to the extent that it would apply additional local requirements to the project site or any portion thereof in excess of the Title V requirements. Instead, all work will be permitted pursuant to M.G.L. c. 40B and the regulations thereunder, as well as all state and federal regulation which may be applicable to the project site and any portion thereof.
Section 4	Design, Operation And Maintenance Of Small Wastewater Treatment Facilities	No system or facility to be used for treating, neutralizing, stabilizing or disposing of wastewater from homes, public buildings, commercial or industrial buildings or any other types of establishments shall be located, constructed, altered, repaired or installed until a Disposal Works Construction Permit for such work shall have been issued by the Board of Health. The SWWTP shall not serve a volume of sewage flow from any subject project in excess of the aggregate volume that would be generated by each lot, which could have constructed upon it, a septic system installed and operated in full compliance with Title 5, the State Environmental Code and the regulations of the Sherborn Board of Health.	The applicant seeks to construct an 8 home for sale residential development which is not a permitted use in the RB zoning district. No waiver of this section is required. To the extent the Board determines that a waiver for this section is applicable, the Applicant requests such waiver in its entirety to the extent that it would apply additional local requirements to the project site or any portion thereof. Instead, all work will be permitted pursuant to M.G.L. c. 40B and the regulations thereunder, as well as all state and federal regulation which may be applicable to the project site and any portion thereof.
Appendix A	BoH Guidelines	What is a bedroom?	Applicant requests waiver of Room Count Definitions and will deed restrict the homes to two bedrooms and three bedrooms respectively as allowed by Title V.