

The Pine Residences – 41 North Main Street – List of Requested Waivers

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 56.00. 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(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 Noticea 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.
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. An abutters list is not required under 760 CMR 56. A waiver is sought for this section in its entirety to solely it and to the extent it conflicts with 760

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			CMR 56.00, the later shall control.
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 Applicants 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. No waiver requested

Zoning By-Laws of the Town of Sherborn - Including changes made at the 2019 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 2 Establishment Of Districts			
2.3	District Boundaries		
2.4	Lots in Two Districts	Where a district boundary line divides a lot in a single or joint ownership at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty feet into the more restricted portion, provided the lot has the required frontage on a street in the less restricted district.	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 a 60-unit multifamily residential development in one (1) buildings with accessory uses (including management office, mail room, common recreational areas, gym/fitness center, accessory service building(s)/structure(s), and/or common gathering places) which is not a permitted use in the RA zoning district. A waiver of the requirements of these sections (as

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			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.
3.2-26	Multi-Dwellings	Multidwelling buildings must conform in all respects with the purposes and requirements set forth in Section 5.6 or Section 5.7.	The applicant seeks to construct a 60-unit multifamily residential development in one (1) buildings with accessory uses (including management office, mail room, common recreational areas, gym/fitness center, accessory service building(s)/structure(s), and/or common gathering places) which is not a permitted use in the RA 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.
3.2-28	Off-site septic systems	This use is permissive in Residence EA district, prohibited in all others. <i>The project is located within the Residential A district.</i>	The applicant seeks to construct a state approved an on-site wastewater treatment plant on a parcel of land located west of the development limits on Hunting Lane to support the 60-unit multifamily residential development proposed on N. Main Street No waiver of this section is required, as the Applicant does not seek an offsite septic system pursuant to Title V.
Sec. 3 – Table of Use Regulations		See Section 3.2, Schedule of Use Regulations, for definitions. A = Allowed P = Permissive X = Prohibited NA = Not Applicable	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
Section 4 Dimensional Regulations			
4.1	Basic Requirements		No Waiver Requested
4.2	Schedule of Dimensional Requirements	Dimensional requirements applicable in the RA zoning district (all uses): Minimum Lot Area: 1 acre Minimum Frontage: 150 ft.	The applicant seeks to construct a 60-unit multifamily residential development in one (1) buildings with accessory uses (including management office, mail room, common recreational areas, gym/fitness center, accessory service building(s)/structure(s), and/or common gathering places) with the following dimensions: Minimum Lot Area: 6.24 acre Minimum Frontage: 347 ft. – Main St. 491 ft. – Hunting Ln.

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		<p>Minimum Lot Width 150 ft.</p> <p>Minimum Front Yard: 60 ft.</p> <p>Minimum Side Yard: 30 ft.</p> <p>Minimum Rear Yard: 30 ft.</p> <p>Maximum No. of Stories: 2.5</p> <p>Maximum Height: 35 ft.</p> <p>Maximum Building Area: N/A</p> <p>Minimum Open Space: N/A</p>	<p>Minimum Lot Width 276 ft.</p> <p>Minimum Front Yard: 301.0 ft. – Main St. 67.2 ft. – Hunting Lane</p> <p>Minimum Side Yard: 3.4 ft. (waiver)</p> <p>Minimum Rear Yard: N/A</p> <p>Maximum No. of Stories: 3.5 (Waiver)</p> <p>Maximum Height: > 35 ft. (Waiver)</p> <p>Maximum Building Area: N/A</p> <p>Minimum Open Space: N/A</p>
Section 5 Special Regulations			
5.1.1	Minimum Parking Requirements	<p>Multi-dwelling Project</p> <p>1.5 spaces for each dwelling unit</p>	<p>The applicant seeks to construct a 60-unit multifamily residential development in one (1) buildings with accessory uses (including management office, mail room, common recreational areas, gym/fitness center, accessory service building(s)/structure(s), and/or common gathering places) with the following parking ratio:</p> <p>1.75 spaces per dwelling unit</p>
5.1.3	Parking Area Plans	<p>There shall be submitted to the Planning Board, for approval, before a building permit shall be issued, or a use permit granted, a plan of the proposed parking facilities showing area and dimensions of the lot, locations, areas and sizes of the buildings, maximum area of building to be used for selling, offices and other uses, maximum number of employees to be accommodated at any one time, maximum seating and/or sleeping capacity where applicable.</p>	<p>A waiver is sought for this section in its entirety. A 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</p>
5.1.5	Screening of Parking Areas		<p>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.</p>
5.2	Signs	Requirements for Signs	<p>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</p>

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			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.
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 yards), or (2) incidental to the construction or operation of public works by the Town or other public body	A waiver is sought for this bylaw in its entirety. Instead, all aspects of the site plan and construction, including material removal which will be 17.68 cubic square feet per unit and exceed 500 square feet in total, 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.
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	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 Chapter 40B

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		<p>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.</p> <p>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 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.</p>	
Section 8	Historic Districts		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
General By-Laws of the Town of Sherborn - Includes changes made at the 2017 ATM			
Chapter 17	General Wetlands By-Law	<p>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”)</p>	A waiver is sought for this section in its entirety, except for section 5.31 Fill and 5.4 stumps, to the extent that it would apply additional local requirements to the project site or any portion thereof (including, without limitation, the need to obtain Special Permits and/or comply with local regulations and/or performance standards) that differ from those state and federal requirements as may be applicable to the project. Instead, all work will be permitted pursuant to M.G.L. c. 40B and the regulations thereunder, as well as all state and federal wetland protections as may be applicable to the project site and any portion thereof.
Chapter 18	Historic District	The Historic District Commission shall have	

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	Commission	<p>all the powers and duties of an Historic District Commission as described in the Historic District Act, Chapter 40C General Laws of the Commonwealth of Massachusetts, and as set forth in this Chapter and not inconsistent with said Chapter 40C. The Historic District Commission:</p> <p>a) Shall establish and amend rules, regulations, and forms for the conduct of business which are consistent with the purpose of this Chapter.</p>	<p>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</p>
Chapter 21	Groundwater Protection Bylaw	<p>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.</p>	<p>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.</p>
Chapter 22	Construction of driveways	<p>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 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.</p>	<p>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.</p>
Chapter 25	Comprehensive Stormwater Management By-Law	<p>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.</p> <p>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</p>	<p>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.</p>

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		<p>or alter one acre or more of land, without obtaining a Stormwater Management Permit (SMP) from the Planning Board.</p> <p>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.</p>	
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>			
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.

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Town of Sherborn – Board of Health Regulations - includes changes effective 4/18/19 and 9/1/19			
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.	See attached BOH waiver list
Section 2	Domestic Water Supply	No private or semi-public water supply shall be installed, altered or repaired until a permit has been obtained from the Board of Health or its Agent.	<p>The applicant seeks to construct a state approved an off-site private well on a parcel of land located west of the development limits on Hunting Lane to support the 60-unit multifamily residential development proposed on N. Main Street. As this private well will be of sufficient size to be classified as a public water supply in accordance with 310 CMR 22, and as such it will be permitted as a Public Water Supply (in accordance with 310 CMR 22) by MassDEP. No waiver is required from this section, as the Board of Health has no jurisdiction over public water supplies. 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.</p> <p>A waiver is not sought for:</p> <p>15.0.B. Well Abandonment Procedures</p> <p>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.</p>
	Subsection 6.0 Well Location	6.O.E. States that “domestic wells shall be located no less than seventy five (75) feet from any adjacent well”	This subsection if not applicable to public water supplies, so no waiver is required. The wells are located approximately 50 feet apart which is allowed under the MassDEP Guidelines since the wells are to be permitted through the MassDEP New Source Approval process no waiver is required.

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	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 well is to be permitted through the MassDEP New Source Approval process as Public Water Supplies and thus no waiver from the Board of Health Regulations is required. To the extent that the Board determines that this subsection is applicable, the Applicant requests a waiver of these requirements.
Section 3	Public And Environmental Health Review Regulations And Standards For Other Than A Single-Family Dwelling On A Single Lot	The applicant for any proposed project of ten (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.	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. 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. A waiver is not sought for: 12.6 Stormwater management design to include BMP 12.7 BMPs to be designed to acceptable standards.
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 does not seek to construct a small wastewater treatment facility, and instead seeks to construct a common septic system pursuant to Title V. No waiver of this section is required. To the extent that the Board determines a waiver of this section is required, the Applicant requests such waiver of 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 Title V regulations.