

Apple Hill Estates – 31 Hunting Lane – Preliminary List of Requested Waivers 10.15.2020

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 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. 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. These elements are not required under 760 CMR 30 at the time of filing with a Zoning Board of Appeals. Furthermore, the requirement for marketing information and the regulatory agreement conflict with the Amesbury decision. Also, the requirement for financial statements conflicts with 760 CMR 56.05(6).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. 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 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. 760 CMR 56 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. However, we are happy to provide additional hard copied if the Board determines they are necessary.
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,	The applicant seeks to construct a 28-unit multifamily residential development which is not a permitted use in the

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		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.	RA zoning district. The project consists of the new construction of 27 town house style units and one existing single-family home for a total of 28 mixed income condominium units. The main access to will be provided by a 24-foot wide paved access road from Hunting Lane with a sidewalk on one side. More specifically, the Applicant is proposing to build twelve duplex town house style condominium homes and one triplex town house style condominium homes. 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.
3.2-26	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 28-unit multifamily residential development which is not a permitted use in the RA zoning district. The project consists of the new construction of 27 town house style units and one existing single-family home for a total of 28 mixed income condominium units. The main access to will be provided by a 24-foot wide paved access road from Hunting Lane with a sidewalk on one side. More specifically, the Applicant is proposing to build twelve duplex town house style condominium homes and one triplex town house style condominium homes. 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.
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			
4.2	Schedule of Dimensional	Dimensional requirements applicable in the RA zoning district (all uses):	The applicant seeks to construct a 28-unit multifamily residential development. The project consists of the new

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	Requirements	<p>Minimum Lot Area: 2 acre</p> <p>Minimum Frontage: 200 ft.</p> <p>Minimum Lot Width: 200 ft.</p> <p>Minimum Front Yard: 60 ft.</p> <p>Minimum Side Yard: 40 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>construction of 27 town house style units and one existing single-family home for a total of 28 mixed income condominium units with the following dimensions:</p> <p>Minimum Lot Area: 16.91 acre</p> <p>Minimum Frontage: 200 ft. – Hunting Ln.</p> <p>Minimum Lot Width: > 200 ft.</p> <p>Minimum Front Yard: 359.5 ft.</p> <p>Minimum Side Yard: 63.7 ft.</p> <p>Minimum Rear Yard: 54.4 ft.</p> <p>Maximum No. of Stories: 2.0</p> <p>Maximum Height: < 35 ft.</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 28-unit multifamily residential development. The project consists of the new construction of 27 town house style units and one existing single-family home for a total of 28 mixed income condominium units with the following parking ratio:</p> <p>2.0 spaces per dwelling unit provided</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 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.</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</p>

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			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 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, 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.
5.5	Flood Plain District	The purpose of the Flood Plain District is to provide that lands in the Town of Sherborn subject to seasonal or periodic flooding as described herein shall not be used for residence or other purposes in such a manner as to endanger public health and safety in any district.	Not Applicable as the project development site is not located within a municipal overlay district or designated area per published FEMA mapping.

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5.9	Water Supply Protection District		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 (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 Water Supply Protection protections as may be applicable to the project site and any portion thereof
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	<p>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.</p> <p>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</p>	<p>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.</p> <p>Instead, all such work will be authorized as part of the M.G.L. c. 40B Comprehensive Permit for this project. Furthermore, any proposed modifications, amendments or updates would require a formal request and approval of the 40B Comprehensive Permit for the project.</p>

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		<p>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>	
General By-Laws of the Town of Sherborn - Includes changes made at the 2017 ATM			
Chapter 17	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”)	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 (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 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 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.
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	<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 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>	A waiver is sought for this bylaw in its entirety. Instead, all aspects of the site plan and construction, including stormwater management, 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.
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 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.

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<i>Rules And Regulations Governing The Subdivision Of Land</i>			
Section 2	Plans Not Requiring Approval Under The Subdivision Control Law	Any persons who wish to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that the plan does not require approval under the subdivision control law because the plan does not constitute a subdivision, shall: a. Schedule Planning Board review by contacting the Town Planner to be placed on the agenda of an upcoming meeting. b.	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.
Section 4	Design Standards	The Applicant shall observe all design standards for land subdivision as hereinafter provided. These standards shall be considered minimum standards and shall not be varied from except as allowed by a waiver	A waiver is sought for this bylaw in its entirety. Instead, all aspects of the site plan and construction, including design standards, 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 5	Required Improvement	The Applicant shall install all of the improvements required under the Rules and Regulations except those which may be specifically waived in writing by the Board	A waiver is sought for this bylaw in its entirety. Instead, all aspects of the site plan and construction, including required improvements, 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 6.0	Administration	The Planning Board shall be the administrative agency of these regulations and shall have all the powers conferred upon the Board by the Subdivision Control Law, MGL Ch. 41, Sect. 81A to 81GG, inclusive. Strict compliance with the requirements of these Rules and Regulations may be waived only when, in the judgement of the Board, such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law.	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.

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<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 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.
<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 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.
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.	The applicant seeks to construct a state approved on-site wastewater treatment plant to support the 28-unit multifamily residential development proposed. 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.

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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.	The applicant seeks to construct a state approved an on-site private well to support the 28-unit multifamily residential development. As this private well will be of sufficient to size to be classified as a public water supply in accordance with 310 CMR 22, it will be permitted as a Public Water Supply (310 CMR 22) by MassDEP. 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.
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.	The applicant seeks to construct a state approved an on-site wastewater treatment plant to support the 28-unit multifamily residential development proposed. 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.
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	The applicant seeks to construct a state approved an on-site wastewater treatment plant to support the 28-unit multifamily residential development proposed. 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.

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		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.	
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