

**THE RESIDENCES AT BURNS AVENUE
BROOK LANE MODIFICATION
UPDATED REQUESTED WAIVERS – FEBRUARY 28, 2022**

SECTION	DESCRIPTION	WAIVER	NOTES
ZBA 40A Rules and Regulations	40A Rules and Regulations and Section 2 of the Zoning Bylaws	40A Rules and Regulations and Section 2 of the Zoning Bylaws	
	As an affordable housing development, the applicant seeks approval of the project under M.G.L. Chapter 40B and will comply with the Board's 40B Rules and Regulations (unless otherwise requested)		
Walpole Rules and Regulation	Governing the Subdivision of Land		
Town of Walpole Rules and Regulations Governing the Subdivision of Land, as amended though 2016	The local municipal subdivision rules and regulations	Being that this is not a subdivision from the town of Walpole's subdivision rules and regulations to the extent that such regulation would affect the proposed development as shown on the plans.	
Town of Walpole Zoning Bylaws			
Section 5-B Schedule of Use Regulations	Table 5-B.3.d.ii		
	Dwelling for occupancy by more than three (3) families provided that such dwelling is located on a lot having an area of at least thirty thousand (30,000 square feet with an additional ten thousand (10,000) square feet for each dwelling unit in excess of three (3) to be accompanied;		

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Table 5-B.3.d.iii	a fifty (50) foot buffer zone shall be required where the adjacent lot has a single-family dwelling or is vacant;	Allow 15' buffer	
Table 5-B.3.d.iii	iii. If there is to be more than one (1) principal building on a lot, there shall be a minimum of 10,000 square feet of lot area per dwelling unit, regardless of how many buildings are on the lot or how many units are in a building.	Allow up to seven (7) principal buildings on a lot with less than 4,500 square feet of lot area per dwelling unit	
Section 5-D Excavation or Filling of Earth Section 5-D.2. Activities Prohibited	Clear-cutting of vegetation and stripping of topsoil on a site before a Building Permit has been issued by the Building Inspector for the intended use of the site is prohibited unless limited clearing is required for pre-development work including, but not limited to, site access, surveying, and test pits pursuant to accepted engineering practices.	Allow tree clearing and stripping of topsoil and site work to commence upon approval of the Comprehensive Permit and expiration of any appeal periods.	
Section 5-D.3.E.	Activities approved as part of any Site Plan Review	Allow activities as required and shown on the plan as site plan review is not required.	

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Section 5-D.4.A.	Under the provisions of this Section of the Bylaw, the Board of Appeals may authorize a Special Permit for the following activities: (A) Activities associated with a residential use that will involve the excavation or filling of one hundred (100) cubic yards of earth or more per year except those listed in Subsection 5-D.3.C above.	Allow excavation and /or filing activities required for the development, as shown on the plan without special permit.	
Section 5-F. E	Authorization for temporary building or structure for greater than 180 days	Allow 36' x 10' construction trailer/sales office for a period of 36 months during construction of the project without a special permit.	
Section 6-B Schedule of Dimensional Regulations			
Section 6-B.1.C.	Allow a building to be nearer to the line of a street than the "Required Setback Distance" or nearer to the side lines of its lot than the "Required Side Yard Width" or nearer to the rear line of its lot than the "Required Rear Yard Depth", as specified in the chart in Section 6-B for the district in which the lot is located (General Residence District).	Allow front setback distance of Buildings 1 to have a minimum street-line setback of twenty-two (22) feet. Allow rear yard setback of Building 4 to be fifteen (15) feet.	

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Table 6-B.1	<p>General Residence District Required Lot Area: 15,000S.F. Impervious Surface Buildings – 30% Total Impervious Surface – 40% Front Setback: 30’ Rear Yard Setback: 30’ Side Yard Setback: 10’</p>	<p>Waive compliance with requirements in a General Residence District as follows: Allow front setback distance of Building 1 to have a minimum street-line setback of twenty-two (22) feet. Allow rear yard setback of Building 4 to be 15’</p>	
Section 6-C Special Conditions			
Section 6-C.4.	<p>Not more than one principal building constructed as a dwelling or so used shall be located on a lot</p>	<p>Allow seven (7) principal buildings to be constructed for use as a dwelling for up to six (6) dwelling units per building to be located on a lot without special permit</p>	
Section 6-C.11	<p>Uncovered and/or unenclosed porches, decks, platforms, landings or stoops, which are part of a required egress, shall not encroach more than forty-eight (48) inches into the setbacks.</p>	<p>Allow rear decks to encroach up to sixty (60) inches beyond that permitted into the setbacks.</p>	
Section 7.3.G	<p>Real estate signs of ten (10) square feet or less in surface area for property currently for sale, rent or lease</p>	<p>Permit real estate sign of not more than thirty (30) square feet in surface area for property currently for sale, rent or lease</p>	

SECTION	DESCRIPTION	WAIVER	NOTES
Section 13 – Site Plan Review	The Applicant requested the following:		
	As the development is proposed under M.G.L. Chapter 40B, the ZBA is the permit granting authority for all local approvals for the proposed development. Site Plan Review Rules as described in Section 13 of the Zoning Bylaws is not required.		
	Walpole Stormwater Management and Erosion Control Bylaw and Regulations		
Walpole General Bylaws - Chapter 499 Stormwater Management – Article II Erosion Control - §499-16	Applicability	Waiver applicability to this development. Stormwater management design shall be in compliance with the Massachusetts DEP Stormwater Management Standard and Stormwater Policy Handbook.	
Regulations - Part III (approved 11/14/2007 and revised 6/26/2019)	Stormwater Management Plans	Waiver requirement. Stormwater management design shall be in compliance with Massachusetts DEP Stormwater Management Standards and Stormwater Policy Handbook.	

SECTION	DESCRIPTION	WAIVER	NOTES
Walpole Wetland Protection Bylaw and Regulations			
Section 1.2	Protected resource areas	Protected resource areas shall be as defined in the Massachusetts Wetlands Protection Act and the Regulations at 310 CMR 10.00	
Section 1.3	Bordering Lands (a/k/a Buffer Zone)	Lands within 100 feet of any other resource areas listed shall not be regulated as a resource area, allow this buffer zone area to be regulated in accordance with the Massachusetts Wetlands Protection Act and the Regulations at 310 CMR 10.00	
Section 1.4.1	No Alteration Zone	No alteration zone – not applicable. This buffer zone is to be regulated in accordance with the Massachusetts Wetlands Protection Act and the Regulations at 310 CMR 10.00	
Section 2.3.2	Fees	Waive all fees required under the Wetland Protection Bylaw Regulations	
Walpole Board of Sewer and Water Commission Regulations			
Water, Article III, Section N	Water Entrance Fees	Waive all entrance and system development fees for each unit.	
Sewer, Article II, Section C	Sewer Entrance Fees	Waiver all residential sewer connection fees for each unit.	

SECTION	DESCRIPTION	WAIVER	NOTES
Sewer, Article IV, Section D	Inflow and Infiltration Fees	Waiver inflow and infiltration fee for each unit	
Building Department			
Building Permit Fees	All associated building permit fees	Waive building permit fee on all affordable units.	

Note: The Applicant reserves the right to amend this Request for Waivers.