

RENTAL

SECTION	DESCRIPTION	WAIVER	NOTES
Comprehensive Permit Rules and Regulations			
Section 3.2.15	Statement of Impact on Municipal Facilities and Services	The applicant has made projections of both estimated future tax revenue and the estimated number of schoolchildren in previous informational presentations to town officials and residents. This information will be presented to the ZBA during the hearing process. However, a requirement to make a statement regarding the Project's impact on Municipal Facilities is not required under the 40B statute or regulations. Therefore, the applicant is requesting a waiver from any additional requirement of section 3.2.15 of the Town's ZBA rules and Regulations.	
Section 3.2.16	Compliance with Master and Open Space plans	The increase in number of affordable housing units and the increase in housing choice for a variety of demographics answers needs identified in both the Master Plan and the Housing Production Plan. Additionally, the Applicant believes the Project design along with the existing trail that will remain along Cedar Brook answers desires identified in the Draft Open Space Plan. Determining whether the Project complies with all or any of the Town's	

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		written plans is not required under the 40B Statute or Regulations. Therefore, the applicant is requesting a waiver from any further requirements of section 3.2.16 of the Town's ZBA rules and Regulations.	
Section 3.2.17	Roster of Development team and list of prior developments for past 10 years	The information provided adequately demonstrates the relevant experience of the applicant and development team. Therefore a waiver of 3.2.17 is requested as to further information. What is the further information required that you would like waived?	<i>Therefore, a waiver of 3.2.17 is requested with respect to providing a list of all prior residential and commercial development projects for all members of the development team over the last ten (10) years is requested.</i>
Section 3.2.18	Twenty (20) paper copies of said application with attachments and exhibits	Waiver requested as per conversation with Director of Community Planning 12/13/19, the following will be provided either with application or when appropriate. 15 full size plan sets 5 11x17 plan sets 1 each traffic, stormwater. 10 executive summary sections from the traffic, stormwater. Everything electronically either by thumb drive or drop box.	
Section 3.2.19	Payment of Filing Fee. 1. for limited dividend organizations:	Request waiver to calculate fee based on Planning Board Site Plan Approval fee	

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	\$5000 base fee plus, if the total project contains more than 6 market rate units, \$200.00 per market rate proposed.	which requires similar information and review and would result in a fee of \$23,508 rather than the \$50,000 fee defined in 11/20 ZBA Rules and Regulations. Specifically this is a request to waive \$26,492 of the application fee. The fee and waiver request apply to lots 1 and 2 combined.	
Section 3.2.5.4	Said plan shall include the following information: Existing significant environmental features such as ledge outcrops, scenic views and large trees (i.e. greater than 24" dbh).	Due to the significant number of trees on this 55 acre site, an inventory of all ledge, large trees and scenic views would require significant resources to gather with no significant benefit. Waiver requested to exclude these on the preliminary site development plan.	
Section 5.5	Any professional expert or other witness that participated in the drafting or the proposed Project plans or other elements shall be present at each public hearing session.	Waiver sought for requirement to have all participants in drafting application at all meetings. Applicant will manage attendance of professionals as needed in consultation with ZBA during the hearing process.	
Section 5.6	Board may in its discretion collect appropriate fees for notary public or stenographer.	Waiver requested to the fee for notary or stenographer which are not allowed under the GL c 44, s.53G. ZBA meetings are currently video recorded as well.	
Town of Walpole Zoning Bylaw			
Table 5-B.1; 3. Residential: d	Residential Use prohibited in Limited Manufacturing zone.	A waiver is requested to permit development of dwellings for occupancy	

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		by more then three families within a Limited Manufacturing Zone.	
Table 5-B.1 3. Residential: d iiiii	If there is more than one principle building on a lot, there shall be a minimum of 10,000 SF of lot area per dwelling unit.	Waiver to allow for less than 10,000 SF of land per dwelling unit.	
Section 6-B-1	In all districts no building shall be constructed on any part of a lot which does not have an area in which a circle, the diameter of which is not less than 80% of the minimum required lot frontage, tangent to the exterior street line from which the required frontage and minimum setback are derived and within all other lot lines, may be located.	Request Waiver to construct the Project as shown on the plans.	
Section 6-B-1.A	In all districts no building shall be constructed on a lot having less than the required lot frontage.	Request Waiver to allow frontage of no less than 86 feet.	
Section 6-B-1.C	In all districts no building shall be constructed so as to be nearer to the side lines of its lot than the required side yard width.	Side yard setback requirement is 40. Request waiver to allow side yard setback of no less than 10 feet.	
Table 6-B.1 and 6-C.3.A	Required Lot Frontage for a lot in the Limited Manufacturing	Lot frontage required in LM zoning is 200 feet. Request waiver to allow	

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	zoning.	creation of a lot with no less than 86 feet.	
Table 6-B.1.	Required Minimum Side Yard Setback for a lot in the Limited Manufacturing zoning	Side yard setback requirement is 40. Request waiver to allow side yard setback of no less than 10 feet.	
6-C.4.B.	Number of Buildings per lot. Commercial/Mixed-Use - Provided they are in compliance with all dimensional regulations listed in Section 6-C, more than one (1) building may be constructed and located on each lot in all commercial zones.	A waiver is requested as there will be more than one building per lot and there are dimensional waivers required.	
Table 6-B.1	Required Maximum Building Height for a lot in the Limited Manufacturing zoning.	Maximum height for building in LM zoning is 40 feet. Request waiver to allow for a maximum height of 70+/-feet.	
Section 6-C-11	Projections (roof, eave, chimney or cornice) - no more than 18 inches into setbacks. Uncovered/Unenclosed (porches, decks, platforms, landings or stoops) which are part of egress shall not encroach more than 48 inches into setbacks. Uncovered steps that are part of any required egress shall not come within five (5) feet of any lot line.	Request Waiver to construct the Project as shown on the plans. Can you provide more specifics? Or do all structures need this waiver?	<i>Units 40-52 and unit 6, the mail pickup and drop-off building as well as the maintenance building fall under this waiver.</i>

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Section 8.3.1	Townhomes & Apartments are classified as Parking Code 1 per table 6-B.1. Required parking spaces: 2 per unit.	Request waiver to allow 1.87 parking spaces per rental unit.	
Section 8.8.A.1	Table of Parking space and Aisle Dimensions.	Request a waiver to allow 9'x19' parking spaces with a 24' Aisle vs. 10'x18.5'	
Section 8.8.B-3	Parking Aisles: the ends of parking aisles that are more than 15 spaces in length shall incorporate landscape islands at either end of the row. Where the length of a parking aisle exceeds 25 spaces, additional landscaped islands shall be installed at regular intervals. This interval shall not be more than every 13 spaces. The width of landscaped islands perpendicular to adjacent spaces shall be no less than 8 feet at their widest point.	Request Waiver to construct the Project as shown on the plans. Compliance with the requirement would eliminate parking spaces that are required to serve future residents. How many landscape islands are required and how many will be constructed?	<i>Landscaping has been provided on each end of the parking aisles. Given the current layout and the landscaping requirement regarding parking, this layout would require 13 additional landscaped islands.</i>
Section 12.3.A.2.d	Residential development of single family dwellings are permitted by right if no more than 15% or 2,500 S.F., whichever is greater, of the building lot is rendered impervious.	Proposed Impervious: 25%	Exceeding 15% should be granted by special permit as the development meets the requirements for granting the special permit. Since this is a Comprehensive Permit why would a special

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			permit be required rather than a waiver from obtaining a special permit? <i>Lot 1 complies with the special permit requirements – Decision should grant special permit.</i>
Sections 12.3.B.1.F, 12.3.C.6 and 12.4.D.5	Storage, use and reporting of hazardous material.	Waiver requested to allow storage and use of cleaning and maintenance materials in volumes typical of a residential project of this size.	
Section 12.3.C.3	In areas 3 & 4, any uses in WRPOD other than a single-family dwelling with a sewage flow exceeding 110 GPD per 10,000 S.F. of lot area or exceeding 15,000 GPD total requires a special permit.	Waiver from special permit requirement.	Since the development is on town sewer this may not apply and may not be necessary. This is a question for the building inspector since the article is ambiguous.
Section 12.3.C.5	Any residential use in WRPOD that will render impervious more than 15% or 2,500 S.F. of any lot requires a special permit.	Waiver from special permit requirement. How much impervious is proposed in the WRPOD? 25%	<i>Lot 1 complies with the special permit requirements – Decision should grant special permit.</i>
Section 13	Site Plan Review.	Request waiver.	
Signs Section 7.5.4.c	One (1) double faced free standing sign.	Request waiver to allow for two (2) free standing double faced signs. Are there any size limitations that you will	<i>No waiver for size limitations. Both signs are less than 100 square feet.</i>

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		need a waiver from?	
Wetlands By-Law and Regulations			
Section 561, Division 2 of the General Bylaw	Section 561, Division 2 of the General Bylaw would require a local permit be issued by the conservation commission.	A waiver is requested from Section 561 Division 2 of the General Bylaw as the project is to be permitted under the Wetlands Protection Act and not the local Wetlands Bylaw.	
Section 449 499 of the Walpole General Bylaws -Article XXIX STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW	Article XXIX STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW would require local permits	A waiver is requested from Article XXIX STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW as the project is to be permitted under the Mass stormwater regulations.	<i>Not this section should be 499 not 449</i>
1.4.1	No Alteration Zone: The Commission shall require the Applicant to maintain a 25 foot wide contiguous, undisturbed, vegetative buffer measured from, and parallel to, the wetland resource boundary, as a minimum.	Waiver requested work in the 25 foot buffer in the area of the crossing and the replication areas as shown on the plans as well as in the area of the one way section of driveway D.	Changed wording to make more accurate
1.5.2	Replication requirements	Request Waiver to allow applicant to provide reporting as per mutual agreement with Conservation Commission.	
2.3	Plans and Supporting documents	Waiver is requested from section 2.3 in its entirety.	

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Water and Sewer Department			
Water Entrance Fee	System development charge of \$2,440 per residential housing unit.	Waiver requested to eliminate Water Entrance fee for 61 affordable units. Total amount = \$148,840.00	<i>Agreed</i>
Non-Assessed Sewer Entrance Fee – Residential	System development charge of \$1,670 per residential housing unit.	Waiver requested to eliminate Non-Assessed Sewer Entrance Fee for 61 affordable units. Total amount = \$101,870.00	<i>Agreed</i>
Building Department			
Building permit fees (Including Building, Electrical, Plumbing and Gas fees)	\$18.00 per \$1,000.00 of estimated cost of construction or fraction thereof.	A waiver is requested to eliminate building permit fees for 61 affordable units. Approximate Total amount = \$279,000.00	<i>Agreed</i>
Global Waiver			
the Applicant also requests any and all other waivers necessary to construct the plans as approved and to the extent any bylaw is waived, all of the regulations springing from the waived bylaw are also waived.			

OWNERSHIP

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Comprehensive Permit Rules and Regulations			
Section 3.2.15	Statement of Impact on Municipal Facilities and Services	The applicant has made projections of both estimated future tax revenue and the estimated number of school children in previous informational presentations to town officials and residents. This information will be presented to the ZBA during the hearing process. However, a requirement to make a statement regarding the Project's impact on Municipal Facilities is not required under the 40B statute or regulations. Therefore, the applicant is requesting a waiver from any additional requirement of section 3.2.15 of the Town's ZBA rules and Regulations.	
Section 3.2.16	Compliance with Master and Open space plans	The increase in number of affordable housing units and the increase in housing choice for a variety of demographics answers needs identified in both the Master Plan and the Housing Production Plan. Additionally, the Applicant believes the Project design along with the existing trail that will remain along Cedar Brook answers desires identified in the Draft Open Space Plan. Determining whether the Project complies with all or any of the Town's	

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		written plans is not required under the 40B Statute or Regulations. Therefore, the applicant is requesting a waiver from any further requirements of section 3.2.16 of the Town's ZBA rules and Regulations.	
Section 3.2.17	Roster of Development team and list of prior developments for past 10 years.	The information provided adequately demonstrates the relevant experience of the applicant and development team. Therefore a waiver of 3.2.17 is requested as to further information. What is the further information required that you would like waived?	<i>Therefore, a waiver of 3.2.17 is requested with respect to providing a list of all prior residential and commercial development projects for all the members of the development team over the last ten (10) years is requested.</i>
Section 3.2.18	Twenty (20) paper copies of said application with attachments and exhibits.	Waiver requested as per conversation with Director of Community Planning 12/13/19, the following will be provided either with application or when appropriate 15 full size plan sets 5 11x17 plan sets 1 each traffic, stormwater. 10 executive summary sections from the traffic, stormwater. Everything electronically either by thumb drive or drop box	
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	\$5000 base fee plus, if the total project contains more than 6 market rate units, \$200.00 per market rate is proposed.	which requires similar information and review and would result in a fee of \$23,508 rather than the \$50,000 fee defined in 11/20 ZBA Rules and Regulations. Specifically this is a request to waive \$26,492 of the application fee. The fee and waiver request apply to lots 1 and 2 combined.	
Section 3.2.5.4	Said plan shall include the following information: Existing significant environmental features such as ledge outcrops, scenic views and large trees (i.e. greater than 24" dbh).	Due to the significant number of trees on this 55 acre site, an inventory of all ledge, large trees and scenic views would require significant resources to gather with no significant benefit. Waiver requested to exclude these on the preliminary site development plan.	
Section 5.5	Any professional expert or other witness that participated in the drafting or the proposed Project plans or other elements shall be present at each public hearing session.	Waiver sought for requirement to have all participants in drafting application at all meetings. Applicant will manage attendance of professionals as needed in consultation with ZBA during the hearing process.	
Section 5.6	Board may in its discretion collect appropriate fees for notary public or stenographer.	Waiver requested to the fee for notary or stenographer which are not allowed under the GLc44,s.53G. ZBA meetings are currently video recorded as well.	
Town of Walpole Zoning Bylaw			
Table 5-B.1; 3.	Residential Use prohibited in	A waiver is requested to permit	

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Residential: a.	Limited Manufacturing zone.	development of single family and duplex homes within a Limited Manufacturing Zone.	
Section 6-B-1	In all districts no building shall be constructed on any part of a lot which does not have an area in which a circle, the diameter of which is not less than 80% of the minimum required lot frontage, tangent to the exterior street line from which the required frontage and minimum setback are derived and within all other lot lines, may be located.	Request Waiver to construct the Project as shown on the plans.	
Section 6-B-1.A	In all districts no building shall be constructed on a lot having less than the required lot frontage.	Request Waiver to allow frontage of no less than 133 feet.	
Section 6-B-1.C	In all districts no building shall be constructed so as to be nearer to the side lines of its lot than the required side yard width.	Side yard setback requirement is 40. Request waiver to allow side yard setback of no less than 10.	
Table 6-B.1:	Required Lot Frontage for a lot in the Limited Manufacturing zoning.	Lot frontage required in LM zoning is 200 feet. Request waiver to allow creation of a lot with no less than 133 feet.	
Table 6-B.1	Required Minimum Side Yard	Minimum side yard set back in LM	

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	Setback for a lot in the Limited Manufacturing zoning.	zoning is 40 feet. Request waiver to allow setback of no less than 10 feet.	
Table 6-B.1	Required Minimum Front Yard Setback for a lot in the Limited Manufacturing zoning.	Minimum front yard set back in LM zoning is 50 feet. Request waiver to allow setback of no less than 36 feet.	
6-C.4.B.	Number of Buildings per lot. Commercial/Mixed-Use - Provided they are in compliance with all dimensional regulations listed in Section 6-C, more than one (1) building may be constructed and located on each lot in all commercial zones.	A waiver is requested as there will be more than one building per lot and there are dimensional waivers required.	
Section 6-C-11	Projections (roof, eave, chimney or cornice) - no more than 18 inches into setbacks. Uncovered/Unenclosed (porches, decks, platforms, landings or stoops) which are part of egress shall not encroach more than 48 inches into setbacks. Uncovered steps that are part of any required egress shall not come within five (5) feet of any lot line.	Request Waiver to construct the Project as shown on the plans.	<i>Units 1,2,5, 41-54, and 7-15 would fall under this waiver as well as the mail hut.</i>
Section 8.8.A.1	Table of Parking space and Aisle Dimensions.	Request a waiver to allow 9'x19' parking spaces with a 24' Aisle vs. 10'x18.5'	

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Section 12.3.A.2.d	Residential development of single family dwellings are permitted by right if no more than 15% or 2,500 S.F., whichever is greater, of the building lot is rendered impervious.	Proposed Impervious: 20%	Exceeding 15% should be granted by special permit as the development meets the requirements for granting the special permit <i>Since this is a Comprehensive Permit why would a special permit be required rather than a waiver from obtaining a special permit? Lot 1 complies with the special permit requirements – Decision should grant special permit.</i>
Section 12.3.C.3	In areas 3 & 4, any uses in WRPOD other than a single-family dwelling with a sewage flow exceeding 110 GPD per 10,000 S.F. of lot area or exceeding 15,000 GPD total requires a special permit.	Waiver from special permit requirement.	Since the development is on town sewer this may not apply and may not be necessary. This is a question for the building inspector since the article is ambiguous.
Section 12.3.C.5	Any residential use in WRPOD that will render impervious more than 15% or 2,500 S.F. of any lot requires a special permit.	Waiver from special permit requirement. <i>How much impervious is proposed in the WRPOD? 20%</i>	<i>Lot 1 complies with the special permit requirements – Decision should grant special permit.</i>
Section 13	Site Plan Review.	Request waiver	

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Signs Section 7.6.C.4	Sign shall be a minimum of eight (8) feet from ground level.	Request waiver to allow for sign to be less than 8 feet from the ground. What is the height of the sign? Or expected height? <i>The top of the monument sign is approximately 7'6". The top of the rental sign is approximately 8 feet.</i>	
Wetlands By-Law and Regulations			
Section 561, Division 2 of the General Bylaw	Section 561, Division 2 of the General Bylaw would require a local permit be issued by the conservation commission.	A waiver is requested from Section 561 Division 2 of the General Bylaw as the project is to be permitted under the Wetlands Protection Act and not the local Wetlands Bylaw.	
Section 449 499 of the Walpole General Bylaws -Article XXIX STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW	Article XXIX STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW would require local permits	A waiver is requested from Article XXIX STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW as the project is to be permitted under the Mass stormwater regulations.	<i>Not this section should be 499 not 449</i>
1.4.1	No Alteration Zone: The Commission shall require the Applicant to maintain a 25 foot wide contiguous, undisturbed, vegetative buffer measured from, and parallel to, the wetland resource boundary, as a minimum.	Waiver requested work in the 25 foot buffer in the area of the crossing and the replication areas as shown on the plans as well as in the area of the one way section of driveway D.	Changed wording to make more accurate

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1.5.2	Replication requirements	Request Waiver to allow applicant to provide reporting as per mutual agreement with Conservation Commission. What does this reporting entail?	<i>Request Waiver to allow applicant to provide reporting over two, post-construction growing seasons based on two inspections/reports per growing season in a format based upon DEP Replication Guidelines, Appendix 4, or mutually agreed upon equivalent format.</i>
2.30	Plans and Supporting documents	Waiver is requested from section 2.3 in its entirety.	
Water and Sewer Department			
Water Entrance Fee	System development charge of \$2,440 per residential housing unit.	requested to eliminate Water Entrance fee for 14 affordable units. Total amount = \$34,160.00	<i>Agreed</i>
Non-Assessed Sewer Entrance Fee - Residential	System development charge of \$1,670 per residential housing unit.	Waiver requested to eliminate Non-Assessed Sewer Entrance Fee for 14 affordable units. Total amount = \$23,380.00	<i>Agreed</i>
Building Department			
Building permit fees (Including Building, Electrical, Plumbing	\$18.00 per \$1,000.00 of estimated cost of construction or fraction thereof.	A waiver is requested to eliminate building permit fees for 61 affordable units.	<i>Agreed</i>

SECTION	DESCRIPTION	WAIVER	NOTES
and Gas fees)		Approximate Total amount = \$80,800.00	
Global Waiver			
the Applicant also requests any and all other waivers necessary to construct the plans as approved <i>and to the extent any bylaw is waived, all of the regulations springing from the waived bylaw are also waived.</i>			