

**Portion of 55-65 Farm Road, Sherborn, MA– Preliminary List of Requested Waivers 7.5.2023**

Article/Section	Subject	Requirement	Waiver Requested/Applicability
<b>Comprehensive Permit Rules of the Sherborn Zoning Board of Appeals (Adopted August 28, 2001, Amended September 14, 2016)</b>			
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.
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

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			CMR 56.00. 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.
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.
<b>Zoning By-Laws of the Town of Sherborn - Including changes made at the 2022 ATM</b>			
<b>Section 1 General</b>			
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.
<b>Section 3 Use Regulations</b>			
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 32-unit home ownership residential development which is not a permitted use in the RA zoning district. The project consists of the new construction of a total of 32 mixed income condominium units including 6 detached cottages, 12 detached single-family homes and 7 duplexes with 14 units. The main access to will be provided by a 22-foot wide paved access road from Farm Road with a sidewalk on one side. 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

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			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 RA 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.
<b>Section 4 Dimensional Regulations</b>			
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 a 32-unit home ownership residential development which is not a permitted use in the RA zoning district. The project consists of the new construction of a total of 32 mixed income condominium units including 12 detached cottages, 6 detached single-family homes and 7 duplexes with 14 units. The main access to will be provided by a 22-foot wide paved access road from Farm Road with a sidewalk on one side. 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: 1 acre Minimum Frontage: 150 ft. Minimum Lot Width 150 ft. Minimum Front Yard: 60 ft. Minimum Side Yard: 30 ft. Minimum Rear Yard: 30 ft. Maximum No. of Stories: 2.5	The applicant seeks to construct a 32-unit home ownership residential development which is not a permitted use in the RA zoning district. The project consists of the new construction of a total of 32 mixed income condominium units including 12 detached cottages, 6 detached single-family homes and 7 duplexes with 14 units with the following dimensions:  Minimum Lot Area: 14 acres waiver requested Minimum Frontage: >600 waiver requested Minimum Lot Width > 395 ft. waiver requested Minimum Front Yard: 20 ft. waiver requested Minimum Side Yard: 21 ft. waiver requested Minimum Rear Yard: >130 ft. waiver requested Maximum No. of Stories: < = 2.5 no waiver requested

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		Maximum Height: 35 ft. Maximum Building Area: N/A Minimum Open Space: N/A	Maximum Height: < 35 ft. no waiver requested Maximum Building Area: N/A Minimum Open Space: N/A
<b>Section 5 Special Regulations</b>			
5.1.1	Minimum Parking Requirements	Multi-dwelling Project  1.5 spaces for each dwelling unit	The applicant seeks to construct a 32-unit home ownership residential development which is not a permitted use in the RA zoning district. The project consists of the new construction of a total of 28 mixed income condominium units including 6 detached cottages, 6 detached single-family homes and 7 duplexes with 14 units with the following parking ratio:  2.0 spaces per dwelling unit provided No waiver requested
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,	A waiver is sought for this bylaw in its entirety. Instead, all

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		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	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.
<b>Section 6 Special Permit Granting Authority</b>			
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.
<b>Section 7 Administration</b>			
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	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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		<p>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>	
<b>General By-Laws of the Town of Sherborn - Includes changes made at the 2017 ATM</b>			
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>	<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 (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.</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. 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</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</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</p>

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		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.	the regulations thereunder as part of the Comprehensive Permit for this project, subject to any/all applicable state and federal regulations.
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. 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.

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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. 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.
<b>Town of Sherborn – Board of Health Regulations – January 2020</b>			
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.	<p>The applicant seeks to construct a 32-unit home ownership residential development which is not a permitted use in the RA zoning district. The project consists of the new construction of a total of 32 mixed income condominium units including 12 detached cottages, 6 detached single-family homes and 7 duplexes with 14 units. The applicant seeks a Disposal Works Construction Permit pursuant to Title V. The applicant requests a waiver of all requirement except for:</p> <p style="margin-left: 40px;">3.4.1 Plan Requirements 3.4.2 Design Requirements 3.4.3 As Built Plans</p>

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			18.3 Temporary Facilities
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 32-unit home ownership residential development which is not a permitted use in the RA zoning district. The project consists of the new construction of a total of 32 mixed income condominium units including 6 detached cottages, 12 detached single-family homes and 7 duplexes with 14 units and construction a private well.</p> <p>A waiver is not sought for:</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	States that “domestic wells shall be located no less than seventy five (75) feet from any adjacent well”	<p>The applicant seeks to construct a 32-unit home ownership residential development which is not a permitted use in the RA zoning district. The project consists of the new construction of a total of 32 mixed income condominium units including 6 detached cottages, 12 detached single-family homes and 7 duplexes with 14 units and construction a private well.</p> <p>A waiver is sought for this provision as the wells are _____ apart.</p>
	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.”	<p>The applicant seeks to construct a 32-unit home ownership residential development which is not a permitted use in the RA zoning district. The project consists of the new construction of a total of 32 mixed income condominium units including 6 detached cottages, 12 detached single-family homes and 7 duplexes with 14 units and construction a private well.</p> <p>A waiver is sought for this provision.</p>
Section 3	Public And Environmental	The applicant for any proposed project of ten (10) or more dwelling units, whether in a	The applicant seeks to construct a 32-unit home ownership residential development which is not a

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	Health Review Regulations And Standards For Other Than A Single-Family Dwelling On A Single Lot	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.	<p>permitted use in the RA zoning district. The project consists of the new construction of a total of 32 mixed income condominium units including 6 detached cottages, 12 detached single-family homes and 7 duplexes with 14 units. 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.</p> <p>A waiver is not sought for:</p> <p>12.6 Stormwater management design to include BMP 12.7 BMPs to be designed to acceptable standards.</p>
<b>Sherborn Wetlands Regulations revised through 2/16/2017</b>			
Sherborn Wetlands Regulations, Town of Sherborn Conservation Commission		The Sherborn By-Law provides the Sherborn Conservation Commission with the authority to regulate projects in and adjacent to wetlands.	A waiver is sought for this section in its entirety except for section 5.4, 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.