

## **WAIVER LIST – APPROVAL DECISION**

### ***55 West Union Street – Comprehensive Permit Application***

The applicant provides the following information to assist the permit granting authority in analyzing the project and assessing the likely impact on the community as defined in 760 CMR 56. The project meets the intent of each and every by-law, rule, and regulation in terms of interests sought to be protected thereunder. The applicant provides the following waiver language to allow the permit granting authority to easily adopt or modify as it deems appropriate.

The Board of Appeals authorizes the following waivers from the requirements of the Ashland Zoning Bylaw and other local by-laws, rules, and regulations listed in this Exhibit A if and only if the Comprehensive Permit for the Project containing the Conditions identified in the attached Comprehensive Permit Application is finally issued and only to the extent necessary and sufficient to construct, occupy, and maintain the project in accordance with the Comprehensive Permit, the Conditions, and Plans and Specifications listed in the Comprehensive Permit Decision, and provided that the project is in fact constructed in accordance with the Comprehensive Permit, the Conditions, and the Plans and Specifications. Once the project has been fully constructed and certificates of occupancy have been issued, these Waivers, the Comprehensive Permit and the Conditions shall not authorize any further waiver of the Ashland Zoning Bylaws or other local bylaws, rules, or regulations; any proposed further modification of the project or any unit within the project thereafter must conform to the Ashland Zoning Bylaw and other local bylaws, rules, and regulations, subject to the regulations concerning modifications of comprehensive permits found at 760 CMR 56.05(11).

***EXHIBIT A***  
**Anticipated Waivers**

**ZONING BYLAW OF THE TOWN OF ASHLAND- Chapter 282**

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
1.	<b>Table of Principal Use Regulations</b>	Multifamily dwelling use is not allowed in the Highway Commerce (CH) zoning district.	The zoning by-law prohibits multifamily dwelling use in the Highway Commerce zoning district. The proposed project seeks authorization for the construction of one hundred and sixteen (116) dwelling units in one structure. The Applicant requests a waiver from this prohibited use.
2.	<b>** Table of Dimensional Requirements- Section 4.1.1</b>	Maximum building height of 35 feet for dwellings in the CH zoning district.	The proposed project seeks to construct a building with a maximum height of 52 feet. Relief from the maximum building height requirement is requested to construct the project as shown on the plans.
3.	<b>** Table of Dimensional Requirements- Section 4.1.1</b>	Maximum building stories of 3 for dwellings in the CH zoning district.	The proposed project seeks to construct a 4-story building. Relief from the maximum building stories requirement is requested to construct the project as shown on the plans.
4.	<b>Section 5.1.2- Off-Street Parking Requirements; Schedule of Parking Area Requirements</b>	2 off-street parking spaces are required per dwelling unit.	The proposed project seeks to construct one hundred and sixteen (116) dwelling units and will create one hundred and eighty-four (184) off-street parking spaces. The Applicant requests a waiver from the off-street parking requirements.
5.	<b>Section 5.3- Signs</b>	Various sections.	The Applicant may seek relief from aspects of this section of the Zoning Bylaw to allow for appropriate site identification, directional, and building identification for the development. The design of the sign(s) for the proposed project is to be determined.
6.	<b>Section 5.4- General Landscaping Requirements</b>	Various sections (5.4.1.2, 5.4.3, 5.4.4, 5.4.5).	The Applicant may seek relief from aspects of this section of the Zoning Bylaw. The landscape design for the proposed project is to be determined.
7.	<b>** Section 5.7.3- Erosion Control</b>	Section 5.7.3 restricts the grading or construction on slopes in excess of a horizontal of 3 and a vertical on 1 slope except under special permit from the Planning Board.	**Will the proposed project violate this provision? Additionally, the Zoning Board of Appeals is provided with the authority to issue all local approvals.

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
8.	<b>Section 5.8- Site Alteration Special Permit</b>	The clearing of an area greater than 5,000 square feet or grading involving more than 100 cubic yards of earth requires a Site Alteration Special Permit from the Planning Board.	The Applicant requests relief from Section 5.8. The proposed project anticipates the clearing of an area greater than 5,000 square feet. Additionally, the Zoning Board of Appeals is provided with the authority to issue all local approvals.
9.	<b>** Section 6.3.3- Driveways; Grade</b>	Section 6.3.3 states that “the grade of each driveway where it intersects the public way shall not exceed six percent (6%) for a distance of 20 feet from the travel surface of the public way” without a special permit from the Planning Board.	**Will the proposed project violate this provision? Additionally, the Zoning Board of Appeals is provided with the authority to issue all local approvals.
10.	<b>** Section 7.5- Multifamily Dwellings; Procedural Requirements</b>	Administration (7.5.1), Application (7.5.2), Impact Statement (7.5.3), Procedure (7.5.4), Security (7.5.5), Decision (7.5.9)	The Applicant requests a waiver of the various procedural provisions of Section 7.5 of the Zoning Bylaw, which regulates the construction of multifamily dwellings. The Zoning Board of Appeals will issue all local approvals through the comprehensive permit application process and its associated procedures.
11.	<b>** Section 7.5.6- Multifamily Dwellings; Site Requirements</b>	Section 7.5.6 states that “the site shall be so designed that accessways, utilities and drainage serving each structure meet the standards of the Ashland Planning Board's Subdivision Regulations; visibility of parking areas for eight (8) or more cars is minimized from public ways or from adjacent premises; lighting of parking areas avoids glare on adjoining premises; major topographic changes and removal of existing trees is avoided; and effective use is made of topography, landscaping and building placement to protect, to the degree feasible, the character of the environs.”	To the degree necessary to construct the proposed project as shown on the plans, the Applicant requests a waiver from the provisions of Section 7.5.6.
12.	<b>** Section 7.5.7.1- Multifamily Dwellings; Dimensional Requirements; Lot Area</b>	Section 7.5.7.1 requires a minimum lot area of 5,000 square feet per dwelling unit, plus 2,500 square feet per bedroom.	The proposed project seeks to construct a building with a smaller lot area per dwelling unit than is allowed under Section 7.5.7.1. Relief from the minimum lot area requirement is requested to construct the project as shown on the plans.

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
13.	<b>** Section 7.5.7.3 and 7.5.7.4- Multifamily Dwellings; Dimensional Requirements; Setback</b>	Sections 7.5.7.3 and 7.5.7.4 require that no multifamily structure shall be less than 300 feet from an existing public street or less than 200 feet from a premises not zoned RM, that there shall be no development except for access drives within the 300 foot setback, and that no trees with a trunk diameter of 6 inches or greater be removed within the 300 foot setback, except as essential for access and safe visibility.	The proposed project seeks to construct a building in violation of the provisions of Sections 7.5.7.3 and 7.5.7.4. Relief from the setback requirements are requested to construct the project as shown on the plans.
14.	<b>** Section 7.5.7.5- Multifamily Dwellings; Dimensional Requirements; Landscaping</b>	Yards abutting a public way and side and rear yards must contain a “dense planting of trees and shrubs with an effective height of at least six (6) feet.”	To the degree necessary to construct the proposed project as shown on the plans, the Applicant requests a waiver from the provisions of Section 7.5.7.5.
15.	<b>** Section 7.5.7.6- Multifamily Dwellings; Dimensional Requirements; Building Height and Stories</b>	Building height shall not exceed 28 feet, and no building shall exceed 2 stories in height.	The proposed project seeks to construct a 4-story building with a maximum height of 52 feet. Relief from the maximum building height and story requirements are requested to construct the project as shown on the plans.
16.	<b>** Section 7.5.8- Multifamily Dwellings; Building Design</b>	No structure shall contain more than 12 dwelling units.	The proposed project seeks authorization for the construction of one hundred and sixteen (116) dwelling units. The Applicant requests a waiver from the provisions of Section 7.5.8.
17.	<b>Section 9.0- Administration and Procedures</b>	Various sections.	To the degree necessary, the Applicant requests a waiver from the provisions of Section 9.0, as the Zoning Board of Appeals is provided with the authority to issue all local approvals.
18.	<b>Section 10 Deifinitions</b>	Parking Space: Space adequate to park an automobile, not less than nine by twenty (9 x 20) feet	The Applicant seeks a waiver of parking space dimensions to allow for 9x18 parking spaces.

**GENERAL LEGISLATION OF THE TOWN OF ASHLAND**

**BUILDING CONSTRUCTION - Chapter 98**

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
19.	<b>**Chapter 98- Building Construction</b>	Article III- Stretch Energy Code	To the degree necessary, the Applicant requests a waiver from the Town of Ashland’s Building Construction bylaw, as the proposed project will comply with state regulations.

**SEWER BETTERMENT ASSESSMENT - Chapter 235**

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
20.	<b>**Chapter 235- Sewer Betterment Assessment</b>		The Applicant requests a waiver from the Town of Ashland’s Sewer Betterment Assessment bylaw.

**SOIL REMOVAL - Chapter 242**

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
21.	<b>Chapter 242- Soil Removal</b>	Permit requirements (establishes Planning Board as permit granting authority).	To the degree necessary, the Applicant requests a waiver from the Town of Ashland’s Soil Removal bylaw. The Zoning Board of Appeals is provided with the authority to issue all local approvals.

**STORMWATER MANAGEMENT AND ILLICIT DISCHARGES AND CONNECTIONS- Chapter 247**

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
22.	<b>Chapter 247- Stormwater Management and Illicit Discharges and Connections</b>		To the degree necessary, the Applicant requests a waiver from the Town of Ashland’s Stormwater Management bylaw, as the proposed project will comply with DEP stormwater management regulations.

**WETLANDS PROTECTION BYLAW OF THE TOWN OF ASHLAND - Chapter 280**

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
23.	<b>Chapter 280- Wetlands Protection Bylaw</b>		To the degree necessary, the Applicant requests a waiver from the Town of Ashland’s Wetlands Protection Bylaw, as the proposed project will comply with state regulations.

**TOWN OF ASHLAND BOARD OF HEALTH REGULATIONS**

**TOWN OF ASHLAND DEPARTMENT OF PUBLIC WORKS REGULATIONS**

**SEWERS - Chapter 326**

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
24.	<b>Chapter 326- Sewers</b>	Article II- General Construction Requirements (establishes Department of Public Works as permit granting authority).	Relief is requested from the applicability of the Department of Public Works Sewer bylaw as stated above. The Zoning Board of Appeals is provided with the authority to issue all local approvals.

**STREET EXCAVATIONS - Chapter 330**

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
25.	<b>Chapter 330- Street Excavations</b>	Permit requirements (establishes Ashland Highway Division as permit granting authority).	Relief is requested from the applicability of the Department of Public Works Street Excavation bylaw as stated above. The Zoning Board of Appeals is provided with the authority to issue all local approvals.

**WATER - Chapter 334**

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
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26.	<b>Chapter 334- Water</b>	Permit requirements (establishes the Water and Sewer Division of the Department of Public Works as permit granting authority).	Relief is requested from the applicability of the Department of Public Works Water bylaw as stated above. The Zoning Board of Appeals is provided with the authority to issue all local approvals.
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**MISCELLANEOUS REGULATIONS OF THE TOWN OF ASHLAND**

**STORMWATER MANAGEMENT - Chapter 343**

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
27.	<b>Chapter 343- Stormwater Management</b>	Stormwater Management Permit requirements (establishes Conservation Commission as permit granting authority).	Relief is requested from the applicability of the Stormwater Management bylaw as stated above. The Zoning Board of Appeals is provided with the authority to issue all local approvals. The proposed project will comply with DEP stormwater management regulations.

**WETLANDS PROTECTION REGULATIONS - Chapter 348**

	<b>Section</b>	<b>SECTION REQUIREMENT</b>	<b>WAIVER REQUEST</b>
28.	<b>Chapter 348- Wetlands Protection Regulations</b>	Filing fee requirements with Conservation Commission; various provisions.	Relief is requested from the applicability of the Conservation Commission's Wetlands Protection Regulations as stated above. The Zoning Board of Appeals is provided with the authority to issue all local approvals. The proposed project will comply with all relevant state wetlands protection regulations.