

**Preliminary Waiver List
Timber Crest Estates
Medway, Massachusetts
March 6, 2015**

The intent of this waiver list is to request all waivers from all of the town's written by-laws, rules, regulations and policies that are necessary to allow the development to be built in accordance with the approved plans. If a specific request has been unintentionally omitted, it is deemed to be requested.

The Applicant reserves the right to amend this request. Should there be any conflict between this list of requested waivers and the plans submitted, the plans will control.

**Planning Board Regulations, Land Subdivision - Chapter 100
Adopted April 26, 2005**

A general waiver is requested to replace Zoning Board wherever the Planning Board is given authority in the regulations. The intent is to build the road according to the material specifications and construction standards of the subdivision regulations. Procedural items administered by the Planning Board should be administered by the Zoning Board as this project is a Comprehensive Permit.

1. Waive the entirety of Sections 1 (General), 2 (Definitions), 4 (Procedure for Submission and Review of Preliminary Plans), 5 (Procedure for Submission and Review of Definitive Plans), 6 (Subdivision Administration), 7 (Design and Construction Standards), and 8 (Administration),
2. Section 1.6.1 Waive requirement for that no subdivision plan shall be approved unless all buildings, structures and lots therein comply with all zoning requirements, unless variances have been issued by the Zoning Board.
3. Section 5.0 Waive requirement of Definitive Subdivision submittal, review, approval and endorsement by the Planning Board.
4. Section 5.2 Waive requirement of Definitive subdivision submittal of all items in Sections 5.5 and 5.7, Definitive Plan filing and plan review to the Planning Board, as well as submittals to the Town Clerk and Board of Health.
5. Section 5.5 Waive requirement of submittals to the Planning Board, including 18 sets of plans under 5.5.1, Form C under 5.5.2, Form D under 5.5.3, receipts of submittals to the Town clerk and Board of Health under 5.5.7 and 5.5.8, and a Stormwater Analysis under 5.5.9, Stormwater System Operation and Maintenance Plan under 5.5.10, Development Impact Report Form F under 5.5.11, a traffic study under 5.5.12, sight distance computations under 5.5.13, ANRAD under 5.5.14 and proof of ownership under 5.5.15, whereby applicant proposes to submit only those items necessary for the Zoning Board to issue a Comprehensive Permit.
6. Section 5.7 Waive requirements for all required plan submittals, whereby applicant proposes to submit plans sufficient for a Comprehensive Permit.
7. Section 5.7.23 and 7.7 Waive requirement for compliance with town stormwater design regulations, whereby applicant proposes to comply with DEP Stormwater Management Standards and standard engineering practices (i.e., assess 2, 10 and 100-yr. design storms to control rate of runoff; site design may also make use of

- Low Impact Development techniques such as permeable pavement, grass swales, bioretention areas; use actual proposed houses instead of 40'x 80' boxes, etc.).
8. Sections 5.8 -5.10 Waive requirements for review by Bd. of Health and other town boards and the Public Hearing process by the Planning Board, where Zoning Board shall act on this plan under the Comp. Permit.
 9. Section 7.7.2.p Waive requirements for drainage basin systems to be on their own lots and set back 30 ft. from lot lines.
 10. Section 7.7.2.r. Waive requirement for double row of plantings at retention basins.
 11. Section 7.9.2.b. Waive the minimum centerline radius for a local street from the requirement of 150 ft. to allow 100 ft., except 40 ft. radius proposed at Road C.
 12. Section 7.9.4.a Waive roadway right of way width of 50 ft. to 40 ft. proposed.
 13. Section 7.9.5.a Waive minimum road grade of 2% to 1%.
 14. Section 7.9.6.a. Waive requirement prohibiting dead end streets
 15. Section 7.9.6.b. Waive requirement limiting dead end streets to 600 ft. max., where proposed subdivision roads are a series of several roads totaling approx. 4,300 linear feet with an emergency access proposed to connect the last cul de sac (Road E) to Ohlson Circle.
 16. Section 7.9.6.e.1. Waive requirement of 24' diameter landscaped island, as other diameter islands and/or permeable pavement may be provided.
 17. Section 7.9.7.g. Waive requirement for local roadway pavement width of 26 ft. to allow 24' pavement on Roads A, C, D, and E and the condominium roads. Where less than 6 homes on the cul de sacs (Roads B, C, D), allow pavement width as required for Neighborhood street at 20' width.
 18. Section 7.10.2 Waive the requirement for sloped granite curbing (Type S-B), and provide 12" wide Cape Cod berm where there are no sidewalks, and provide vertical granite curbing (5" thickness) where the proposed sidewalk is adjacent to the roadway pavement. Waiver to allow 5" thickness, vertical granite curb at roadway intersection with Winthrop Street and Fairway Lane only, with Cape Cod berm at all other intersection roundings.
 19. Section 7.11.2 Waive requirement that no driveway openings be allowed within 65' of road intersection centerlines or within 14' of a catch basin.
 20. Section 7.11.3 Waive maximum grade of 8% for driveways, as may be necessary.
 21. Section 7.13.2 Allow 1 sidewalk at 5-ft. width with no grass strip (6' sidewalk with 6.5' grass strip is required for a local street), as shown on the plans.
 22. Section 7.13.3 Waive requirement to construct sidewalk along project frontage on Winthrop Street, Ohlson Circle and Fern Path where none exists now.
 23. Section 7.19.2 Waive street tree requirements of 3 trees per lot at 40' intervals.
 24. Section 5.7.28 and Waive requirement for 25' high street lights, where street lights are typically not required on town subdivisions. Instead applicant proposes to provide driveway lanterns for each home (approx. 8 ft. height).

Planning Board Development Impact Report

A general waiver is requested from requiring a DIR submittal to the Planning Board, where this subdivision project is to be administered by the Zoning Board and subject to a Comprehensive Permit per MGL Ch. 40B.

**Planning Board Site Plan Review Regulations – Chapter 200
as amended December 3, 2002 (updated December 9, 2002)**

Where a Site Plan may be required for the condominium portion of this project, a general waiver is requested from Planning Board's Site Plan regulations, including but not limited to contents, application and review process, where this project is subject to review by the Zoning Board and a Comprehensive Permit per MGL Ch. 40B.

**Planning Board Scenic Road Work Permit Regulations – Chapter 400
Adopted July 16, 2002 (corrected August 5, 2002)**

Article V. Where Winthrop Street is designated by town as a Scenic Road, a general waiver is requested to replace Zoning Board wherever the Planning Board is given authority in the regulations. Review of stonewall and tree alterations within Winthrop Street to be reviewed as part of the Comprehensive Permit process by the Zoning Board.

Zoning By-law

1. Section V.B.4. To allow dwellings or structures to be erected on lots which have less than 50% of the required minimum lot area for that zoning district comprised of uplands. Proposed minimum lot sizes are 7,500 sq. ft..
2. Section V.B.5. To allow lots with a Shape Factor greater than 22.
3. Section V. C. Site Plan Review and Approval. Waive section in its entirety for the condominium portion of this project where project is subject to a Comprehensive Permit to be issued by the ZBA under MGL Ch. 40B.
4. Section V.E.3. To allow multiple single and two-family houses on a single lot for the condominium portion of the project between Fairway Lane and Fern Path.
5. Section V.E.4. To allow lots with 7,500 sq. ft. minimum area and 50 ft. frontage, except lot 29 shall have 30 ft. (44,000 sq. ft. with 180 ft. frontage required in the AR-I Zoning District, or 22,000 sq. ft. with 150 ft. frontage in AR-II).
6. Section V.E.5. To allow building setbacks as follows: 20' front yard, 7' side, and 10' rear (required yards are 35' front, 15' side and rear).

ZBA Rules and Standards for Comprehensive Permits, dated September 20, 2004

1. Waive all town requirements including, but not limited to, Standard 4 that requires 30 ft. green belt to adjacent residential lots, Standard 7 that requires 30 ft. between buildings, Standard 8 that specifies no building setback waivers are to be granted along Scenic Roads, and town filing and review fees.

**Article XXI of Town General By-laws, General Wetlands Protection
Amended 2014**

1. Section 21.1 Waive town jurisdiction as specified in the wetland by-law, and follow the Massachusetts Wetlands Protection Act and its regulations.
2. Section 21.2(a) Waive jurisdiction over any freshwater wetlands and lands within 100 ft. of any of the other listed resource areas such that these areas shall not be additionally regulated as resource areas under the town by-law, and follow Massachusetts Wetlands Protection Act and its regulations for jurisdictional areas.

3. Section 21.2(b) Waive requirement that no work be allowed within 25 ft. of wetland resource areas, where several wetland crossings for roadways are proposed and other areas of the site involve work within 25 ft. of wetlands.
4. Section 21.4(a) Waive requirement to filing under the town wetland by-law for any work within within jurisdiction, and to follow Massachusetts Wetlands Protection Act and its regulations.
5. Section 21.5 Waive local by-law filing and review fees.

**Rules and Regulations of the Medway Conservation Commission
Amended August 14, 2014**

Waive all local regulations and filing fees, and follow 310 CMR 10.00 et seq.

Water & Sewer Department Regulations

Waive all connection fees for water and sewer extensions and individual services

Building Department Fees

Waive all building permit and inspection fees for affordable homes to be built (49 homes).