

PROPOSED WAIVERS

MEDWAY ZONING BYLAW

Section	Bylaw	Requested Waiver
3.5 Site Plan Review	A Site Plan Review shall be conducted by the planning Board.	Per 40B requirements, the ZBA will be the permit granting authority and the Applicant requests that the public hearing process before the ZBA serve in place of the review of any local permit granting authorities or local permits as is the intent for any 40B application.
5.4 Table 1C, 5.6.4.B, 5.6.4.H, & 5.6.4.I	A multifamily dwelling requires a special permit from the Planning Board in the AR-1 district.	Per 40B requirements, the ZBA will be the permit granting authority and the Applicant requests that the public hearing process before the ZBA serve in place of the review of any local permit granting authorities or local permits as is the intent for any 40B application.
5.6.4.C.3 and 6.1 Dimensional Regs.	The maximum building height shall be 2.5 stories or 40'.	To allow a building height of 5 stories.
5.6.4.D.1 Density Regs.	Density shall be 12 dwelling units per acre, plus 2 for an affordable housing development.	To allow a total density of 190 units which equates to approximately 15.5 units per acre.
5.6.4.E.3 Special Regs.	1.5 parking spaces shall be provided per unit, with an additional visitor space per 2 units.	To allow a parking capacity as represented on the submitted plan set.
5.6.4.E.5 Special Regs.	An apartment House shall not contain more than 12 units.	To allow more than 12 units per building as represented on the submitted plan set.
5.6.4.E.6 Special Regs.	A multifamily Development shall not exceed 40 dwelling units.	To allow the development to contain 190 dwelling units.
6.1 Dimensional Regs	The maximum impervious lot coverage is 35%.	To allow a lot coverage higher than 35%.

CONSERVATION COMMISSION RULES AND REGULATIONS

Section	Bylaw	Requested Waiver
Sections 2 & 8	A submission is required to the Conservation Commission for projects affecting jurisdictional areas.	The Applicant intends to file a full Notice of Intent with the Medway Conservation Commission under the Massachusetts State Wetlands Protection Act. The Applicant asks that the ZBA, as part of the public hearing process and Comprehensive Permit issuance, stand in place of the Medway Conservation Commission as it relates to all local wetlands and conservation bylaws. This request is consistent with the 40B regulations."

CHAPTER 200: PLANNING BOARD SITE PLAN REGULATIONS

Section	Bylaw	Requested Waiver
Chapter 200	Site Plan rules and requirements.	From the entirety of Section 200 and any and all submittals to the Planning Board for Site Plan review. As this is a Comprehensive Permit Process, the Zoning Board of Appeals is the exclusive local permit granting authority. As such, the Applicant will not be submitting any materials to the Planning Board, nor are the rules and regulations in Section 200 applicable to a 40B application under the Comprehensive Permit process.

MEDWAY GENERAL BYLAWS

Section	Bylaw	Requested Waiver
21.2.a General Wetlands Protection	No person shall alter freshwater wetlands or the lands within 100 feet of them without a permit from the Conservation Commission.	The Applicant requests that the ZBA be the permit granting authority for any local Medway wetlands bylaws as is consistent under Chapter 40B.
21.4 General Wetlands Protection	A written application shall be submitted to the conservation Commission to perform activities in the resource areas protected by the bylaw.	The Applicant requests that the ZBA be the permit granting authority for any local Medway wetlands bylaws as is consistent under Chapter 40B.
26.5.2,4 Land Disturbance Permit	A land disturbance permit shall be submitted for projects disturbing one or more acres.	The Applicant requests that the ZBA issue the land disturbance permit as part of its issuance of the Comprehensive Permit.