

**THE COOLIDGE AT SUDBURY PHASE 2**

**REQUESTED WAIVERS TO LOCAL BYLAWS AND REGULATIONS**

The list below identifies the required waivers necessary from applicable local bylaws and regulations, based on the Preliminary Site Plans, in order to construct the project (the “Project”) which is the subject of this application. This list is subject to modification based on the advancement of project design and permitting and shall be deemed to include all other waivers from local bylaws and regulations required to construct the Project in accordance with the final plans.

<b>I. TOWN BYLAWS</b>			
<b>Section</b>	<b>Subject</b>	<b>Requirement</b>	<b>Requested Waiver / Project Applicability</b>
<b>A. Article V</b>			
Section 30	Driveway Location	Under Article V, Section 30 and the associated Driveway Location Rules and Regulations, no new driveway or other new access to a way shall be constructed at the point of intersection with such way, unless a written permit is first obtained from the Town Engineer	Comprehensive Permit shall provide all local permits per MGL Ch. 40B. Driveway location to be approved by the Zoning Board of Appeal (“ZBA”) as part of the Comprehensive Permit.
Article V, (A)	Removal of Earth	Removal Permit required from Earth Removal Board.	Comprehensive Permit shall provide all local permits per M.G.L. Chapter 40B. Allow earth removal as may be required by grading for the Project.

<b>B. Stormwater Management and Stormwater Management Bylaw Regulation</b>			
All Sections	Stormwater Management	The Project will comply with the requirements of the Massachusetts Stormwater Standards (MSS) as designed. Applicant requests waiver from the requirements of the Town of Sudbury Stormwater Management bylaw and accompanying regulations and from the requirement of action by the Planning Board and associated filing fees.	Comprehensive Permit shall provide all local permits per M.G.L. Chapter 40B. Project shall comply with Wetlands Protection Act, MGL Ch. 131, Sec. 40 and applicable regulation at 310 CMR 10.00 et seq.
Article V (F)	Stormwater Management	Under Article V(F), and the associated Stormwater Management Bylaw Regulations, Planning Board permit required for activity disturbing in excess of 40,000 sf	Comprehensive Permit shall provide all local permits per M.G.L. Chapter 40B. Project shall comply with Wetlands Protection Act, MGL Ch. 131, Sec. 40 and applicable regulation at 310 CMR 10.00 et seq.
Regulation Section 6.0.J.1.a	Standard Permit Conditions; requires activity shall not increase the rate or volume of Stormwater runoff leaving the site.	Request waiver from Section 6.0.J.1.a Project will meet MSS requirement for rate control.	Comprehensive Permit shall provide all local permits per M.G.L. Chapter 40B. Project shall comply with Wetlands Protection Act, MGL Ch. 131, Sec. 40 and applicable regulation at 310 CMR 10.00 et seq.
<b>C. Article IX - Zoning</b>			
2210, 2230, and Appendix A	Use	Multi-family housing is not listed.	Allow for multi-family use within the Single Residence A district.

2310	Accessory Use	Any use permitted as a principal use is also permitted as an accessory use. Property management staff offices not identified as allowed principal uses.	Allow accessory use for property management staff offices incidental to the Project, and other accessory uses incidental to the Project.
2610, 2620, and Appendix B	Setback Requirements	Minimum side yard setback requirement is 20 feet.	Allow setbacks as shown on the submitted plans.
2610, 2620 and Appendix B	Height	Maximum building height limited to 2.5 stories and 35 ft.	Allow building height and configuration as shown on the submitted plans, in which there are three living levels on top of basement level parking.
3110, 3111, and 3120	Parking Requirements	Number of Parking Spaces; parking required for dwellings is two spaces per dwelling unit.	Allow 1.0 spaces per dwelling unit considering the project is age restricted, as shown on the submitted plans.
3148	Bicycle Rack	One bicycle rack per 10 parking spaces.	Allow bicycle racks as shown on the submitted plans.
3200	Signs	One Residential Identification Sign permitted which shall not exceed 2 sf.	Allow for increase in number and size of sign in excess of the limitation to serve this Project.
3300, 3310	Common Driveways	No driveway to serve more than two dwellings.	Allow driveway to serve all dwellings in Phase 1 and Phase 2 as shown on the submitted plans.
3410	General Performance Standards	Building Inspector may require technical evidence.	Comprehensive Permit shall provide all local permits per MGL Ch. 40B.

3430, 3431, 3432	Performance Standard for Erosion Control	Grading or construction which will result in final slopes of 15% or greater on 50% or more of lot area, or on 30,000 square feet or more on a single lot, even if less than half the lot area, shall be allowed only under special permit from the Board of Selectmen or Planning Board.	Comprehensive Permit shall provide all local permits per MGL Ch. 40B. Allow grading required for the Project, in which final slopes of 15% or greater which may exceed 30,000 sf on the lot. Allow for site activities associated with the Project.
3440	Excavations abutting Roads	No excavation lower than the grade of any road may be made within 50 feet from road boundary, and angle of repose limited, unless authorized by ZBA.	Allow excavation and grading in connection with improvements as required for the Project.
3500	Screening and Landscaping	Screening and landscaping requirements for, among other things, parking areas and planted areas.	Allow for screening and landscaping shown on the submitted plans for the Project.
6300	Site Plan Review	Site Plan Review	Comprehensive Permit shall provide all local permits per MGL Chapter 40B; site plan to be approved by the Zoning Board of Appeals as part of the Comprehensive Permit.
6315	Grading or Clearing	Site Plan Review	Comprehensive Permit shall provide all local permits per MGL Chapter 40B; site plan to be approved by the Zoning Board of Appeals as part of the Comprehensive Permit.

6500	Design Review Requirements	Design Review Board	Comprehensive Permit shall provide all local permits per MGL Chapter 40B; design to be approved by the Zoning Board of Appeals as part of the Comprehensive Permit.
<b>D. Article XXII &amp; Wetlands Administration Bylaw Regulation</b>			
All Sections	Wetlands Resource Area Protection	Article XXII of the Town Bylaws and the associated Wetlands Administration Bylaw Regulations grant the Conservation Commission the authority to impose conditions that exceed the requirements of the Wetlands Protection Act, MGL Ch. 131, 40 and applicable regulations at 310 CMR 10.00 et seq., or other applicable state law.	Comprehensive Permit shall provide all local permits per MGL Chapter 40B. Waiver sought from all requirements of Article XXII and the Wetlands Administration Bylaw Regulations. The Project will comply with the provisions of the Wetlands Protection Act, MGL Ch. 131, 40 and applicable regulations at 310 CMR 10.0 et seq., as well as applicable MassDEP groundwater discharge requirements.
<b>E. Article XXVI – Public Access Way Permit</b>			
All Sections	Access Permit	Permit required for new or modified access that generates substantial increase in or impacts on traffic on a public way.	Comprehensive Permit shall provide all local permits per MGL Chapter 40B; access permit to be provided by the Zoning Board of Appeals as part of the Comprehensive Permit.

<b>F. Article XXVII – In-Ground Irrigation Systems</b>			
All Sections	In-ground Irrigation System	Board of Health Approval for installation of private irrigation well. 100’ setback required from well to sewage disposal system, existing well and wetlands.	Comprehensive Permit shall provide all local permits per MGL Chapter 40B; approval of irrigation system to be provided by the Zoning Board of Appeals as part of the Comprehensive Permit.
<b>G. Article XXVIII – Demolition of Historically Significant Buildings, Structures or Sites</b>			
All Sections	Demolition of Existing Structures	Demolition of, among other things, “structures or portions thereof constructed prior to January 1, 1940 town-wide or any building or portion hereof or structure of indeterminate age.”	Comprehensive Permit shall provide all local permits per MGL Chapter 40B; including to demolish any existing structure(s) on the property constructed prior to 1940.
<b>II. BOARD OF HEALTH RULES AND REGULATIONS GOVERNING THE SUBSURFACE DISPOSAL OF SEWAGE</b>			
All Sections	Wastewater Treatment Facility	BOH Permit and local design standards, including leaching area, minimum multifamily design flow, construction in fill requirements, as well as sewage pump prohibition.	Comprehensive Permit shall provide all local permits per MGL Chapter 40B. Allow septic system as allowed by Massachusetts Department of Environmental Protection. (MaDEP). This system requires a leaching bed configuration.
Section IV.2	Design Flow	Ancillary Facilities; ancillary facilities within multi-family residences to be considered additional sources of sewage flow.	Allow use of standard Title 5 approach for calculating design flow.

Section V	Construction in Fill	When construction in clean granular fill is required, both primary area and expansion area must be prepared.	Allow only primary area to be prepared, as allowed by Title 5.
Section VI	Pumps	Sewage pumps of any type are prohibited.	Allow for lower level units to be pumped to leach field as allowed by Title 5. Comprehensive Permit shall provide all local permits per MGL Chapter 40B.
<b>III. RULES AND REGULATIONS GOVERNING THE SUDDIVISION OF LAND</b>			
All Sections	Subdivision	MGL Ch. 41, Sections 81K-GG and Sudbury's Rules and Regulations Governing the Subdivision of Land impose regulations regarding the subdivision of land.	Subdivision approval process requirements inapplicable. Comprehensive Permit shall provide all local permits per MGL Chapter 40B, including as necessary to create the Property as shown on the plans submitted.
<b>IV. DRIVEWAY LOCATION APPROVAL RULES AND REGULATIONS</b>			
Appendix A Section 1	Width of Street Line Minimum 10 ft. – Maximum 20 ft.	Width of Street Line Minimum 10 ft. – Maximum 20 ft.	Request waiver to allow 24 ft. per Mass DOT requirements for access to state highway (Route 20).
Appendix A Section 2	Curb Radius	Curb Radius Minimum 3 ft. – Maximum 20 ft.	Request waiver to allow 30 ft. radius per Mass DOT requirements for access to state highway (Route 20).

<b>V. PLANNING BOARD SITE PLAN REVIEW RULES AND REGULATIONS</b>			
All Sections	Site Plan Review	Impose rules regarding Site Plan Review as authorized by Section 6300 of the Zoning Bylaw	Comprehensive Permit shall provide all local permits and approvals per MGL Chapter 40B, including Site Plan Review Approval.