

WAIVERS REQUESTED

The Applicant requests that the Board issue a Comprehensive Permit issue for the Project as shown on the proposed plans submitted herewith ("Plans"), in lieu of any requirement that the Applicant apply separately to any Local Board for a local permit. Under 760 CMR 56.02, the term "Local Board" means any local board or official, including, but not limited to, any board of survey, board of health, planning board, conservation commission, historical commission, water, sewer or other type of board, department, commission or district, ; and any fire, police, traffic, or other department, building inspector or similar official or board, and any select board or any other board that performs functions usually performed by locally created boards. Waivers from the Local Requirements and Regulations shall be acted upon accordingly by the ZBA, so that the Applicant need not make separate applications to the individual Local Boards. Under MGL c.40B, the comprehensive permit acts as a master permit for all local action.

The Applicant will comply with all technical local requirements related to the municipal water and sewer systems unless a specific waiver is requested and granted. The Applicant requests waivers for the Project from otherwise applicable local building permit, water and septic fees for the affordable units. The Applicant reserves the right to amend the Requested Waivers during the public hearing process. The Applicant hereby requests waivers to allow the structure and uses shown on the Plans and request waivers from the ZBL for the Project from the following Local Requirements and Regulations and requests that all of the waivers identified herein be granted.

Please note that, as provided for under 760 CMR 56.05(7), the Applicant seeks waivers **only** from the "as-of-right" zoning requirements set forth in the Norwell Zoning By-law ("ZBL") as set forth below; and, the Applicant notes and emphasizes that no waiver is needed (or sought) from any special permit requirement set forth under the Zoning Bylaws because 760 CMR §56.05(7) expressly provides that: "Zoning waivers are required solely from the "as of right" requirements of the zoning district where the project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district."

1. ZBA Rules and Regulations Article J Comprehensive Permits:

The Applicant seeks a waiver from any provision of the ZBA's Comprehensive Permit Regulations to the extent that they conflict or are inconsistent with the requirements of 760 CMR 56.00 et seq., including, but not limited to the following:

Section 2. Definitions.

The term "Local Board" shall be waived so that it is consistent with 760 CMR 56.01, so that the term includes the Board of Water Commissioners and any other Local Board omitted from the list in the Board's regulations.

Section 3. The Minimum Jurisdictional Requirements for Filing an Application.

The Minimum Jurisdictional Requirements for Filing an Application shall be waived to the extent that they are inconsistent with 760 CMR 56.00, including 760 CMR 56.04, which provides that eligibility to file a comprehensive permit application is established by issuance of the Project Eligibility Letter.

Section 4. Elements of the Complete Application.

(d) Definition of Bedroom

The Applicant has prepared a Tabulation of Proposed Buildings that counts both the number of bedrooms and the number of bedrooms plus dens. The Applicant requests a waiver from this section to the extent that the inclusion of dens in the bedroom count increases the impact that any Local Requirement or Regulation has on the project.

(k) Proof of Filing of Notification form with Mass. Historic Commission.

The Applicant requests a waiver from this section. The form will be filed in the future at the appropriate time.

(o) Pro Forma.

The Applicant requests a waiver from this section to the extent that it conflicts with the requirements of 760 CMR 56.05(6), as any pro forma review cannot take place until after a number of events occurs; and, furthermore, the time for the Applicant to comply with any proper request for pro forma review does not toll the 180-day deadline for the Board to complete the public hearing unless an extension of time is agreed to.

(p) Appraisal.

The Applicant requests a waiver from this section as the fair market value of the Property is not relevant to the Board's review and action on the comprehensive permit.

Section 6. Application Filing Fees

The Applicant has paid the required application filing fee, but the Applicant requests the Board to provide the Applicant with how the fee is consistent with fees charged to market rate developments.

Section 7. Technical Review; Escrow; Consultant Selection and Appeal

(c) Technical Review

The Applicant requests the Board to waive any fees for special counsel to the Board for general representation as 760 CMR 56.05 expressly provides that, "Legal fees for general representation of the Board or other Local Boards shall not be imposed on the Applicant."

Section 8. Review of any Conditions Claimed to by the Applicant to be Uneconomic

(a) Applicant's Burden.

The Applicant requests the Board to waive any shifting of the burden of proof that is inconsistent with 760 CMR 56.05(7), which provides that "the Board shall grant such Waivers as are Consistent with Local Needs and are required to permit the construction and operation of the Project."

(b) \$5,000 Application fee for pro forma review.

The Applicant requests the Board to waive the \$5000 pro forma fee unless and until the provisions of 760 CMR 56.05(6) have been satisfied.

Section 9. Public Hearing and Decision

(c) Quantum of Board Vote

The Applicant requests that the Board waive the requirement for a unanimous vote of the Board to grant a comprehensive permit as G.L. c.40B, §21 expressly provides that comprehensive permit approval requires only a majority vote.

Section 10. Changes in the Application

- (a) New PEL or written confirmation that a new PEL is not required if changes to the application are made.

If a change to the application is made, the Applicant reserves the right to seek a waiver from this requirement and from (b) as well.

Section 12. Other Provisions

- (b) Issuance of Building Permits

The Applicant requests the Board to waive the requirement that the Project must comply with the Board's rules and regulations, as they may be amended in the future, as no modification to a Local Requirement made after the date of application may be imposed. 760 CMR 56.01.

- (d) Terms and Conditions

The Applicant requests the Board to waive the requirement for assignments of the comprehensive permit and for the Board to adhere to the permit transfer requirements set forth under 760 CMR 56.05(12)(b).

- (e) Performance Guarantees

The Applicant requests a waiver from this requirement as it will not obtain occupancy permits until construction is completed or guaranteed.

2. Additional Waivers Requested:

Town of Norwell General Bylaws, Zoning Bylaws and Rules & Regulations

Local Regulation or Bylaw Section	Description	Requested Waiver(s)
Article 8	Permitted Residential Uses	Allow Multi-Family Residential Use and appurtenant uses as shown on the Plans.
Article 9: 201-9.4	Required Yards – Front, Side and Rear Yards Setback Requirements	Front Yard Set Back: Required - 50' Proposed - 15'
Article 9: 201-9.6	Height Restrictions	Required - 2 ½ Stories, 34' Proposed - 3 Stories, 43'
Article 12: 201-12.4	Size of Off-Street Parking Spaces	Required - 9' x 20' Proposed - 9' x 18'
Article 10: 201-10.1	Business A, B and C Restrictions Building Coverage	Building Coverage: Maximum Permitted – 18% Proposed – 23.1%
Article 12: 201-12.7(G)	Bicycle Racks	Required - 2 Racks Proposed - None
Article 13: 201-13.1	District Boundary Buffers	Waiver of All Applicable Article 13: 201-13.1 Regulations.
Article 14: 201-14.5-14.7	Signs – General Provisions	Waiver of All Applicable Article 14 Regulations.
Article 19.0	Aquifer Protection Overlay District	Waiver of All Applicable Article 19.0 Regulations.
Division 4, Rules & Regulations, Chapter 304: 304-64 (C)	High Groundwater Determination	Waiver of Division 4, Rules and Regulations, Chapter 304.
Division 4, Rules & Regulations, Chapter 304: 304-64 (H)	Nitrogen Sensitive District	Waiver of Division 4, Rules and Regulations, Chapter 304.

Division 4, Rules & Regulations, Chapter 304: 304-64 (M)	Pump Systems must be pressure dosed	Waiver of Division 4, Rules and Regulations, Chapter 304.
Division 2, Part IV Land Use and Natural Resources, Chapter 62	Soil, Loam, Sand or Gravel Removal	Waiver of Division 2, Part IV, Chapter 62.
Division 4, Rules & Regulations, Chapter 308	Permanent Drainage Committee	Waiver of Division 4, Rules and Regulations, Chapter 308.
Division 4, Rules & Regulations, Chapter 301, Article 10	Board of Appeals - Comprehensive Permit Application	Waiver of Division 4, Rules and Regulations, Chapter 301.
Division 2, Part V: Street and Ways, Chapter 82	Scenic Roads	Waiver of All Applicable Chapter 82 Rules and Regulations.
Division 2, Part IV, Land Use and Natural Resources, Chapter 61, Article 1	Wetlands Protection	Waiver requested to the extent necessary to allow for construction of project as shown on plans. The project will comply with MA Wetlands Protection Act and MADEP regulations 310 CMR 10.
Division 4, Rules and Regulations, Chapter 302 Planning Board	Part 1 Subdivision Rules and Regulations	Waiver requested from the potential application of subdivision rules and regulations to any portion of the project or project site as shown on the Site Plans.

NOTE: In addition to the above specifically listed waivers, the Applicant also intends to request a waiver from all applicable local by-laws, regulations, and requirements of the Town of Norwell so that the Project can be constructed in accordance with the submitted plans.