

LAKELAND HILLS
TOWNHOUSE COMMUNITY
NORFOLK, MASSACHUSETTS

WAIVER REQUEST LIST

August 30, 2017

Revised: July 10, 2019

PLANNING BOARD RULES & REGULATIONS

A general waiver is sought from all site plan approval requirements under Planning Board's jurisdiction where the project will be reviewed by the Zoning Board of Appeals per the Comprehensive Permit and M.G.L. Ch. 40B regulations.

3.3.2.21 Waive the impact study and assessment report, where project will be designed in compliance with Title 5 septic system requirements, DEP Stormwater Management Regulations, DEP Wetlands Protection Act and its regulations, and roadway infrastructure will be sufficient to support the proposed project as shown on the plans. Solid waste and site/landscape maintenance shall be the responsibility of a homeowners association who shall contract these services with professional companies approved to do business in Norfolk.

4.1.1 Waive requirement for the applicant to observe all design standards of Sections 4, 5, and 6 of Town's land subdivision/site plan approvals.

4.9.4 Waive requirement for trees to be planted at 40 foot or lesser intervals on both sides of all streets, where a landscaping plan with appropriate trees and other plantings shall be provided for this condominium project.

4.12.1 Waive requirement that prior to the removal of any trees over four (4) inches in diameter in the right of way and within any tree easement and prior to grading, the developer shall mark all trees proposed for removal and the developer shall plot these marked trees on site plan to be reviewed by the Planning Board. Applicant proposes to show limits of work (and not individual trees) on site plans to be reviewed by the Zoning Board, and all trees within these limits shall be flagged for clearing prior to construction.

4.14.6 Waive town's secondary road (serving between 7 & 50 homes) design requirements of 26' paved width, 170' centerline radius, 340' intersection sight distance for internal roadways, 350' spacing of intersections (centerline to centerline), and other town roadway design standards as may be necessary to construct the private driveway network as shown on the site plans, where this project is a private development with lower design speeds. The proposed roadways will be varying in width from 22 feet to 24 feet with a boulevard style roadway at the entrance development.

4.14.9.1 Waive requirement that paved cul-de-sacs shall not exceed 500 feet in length from the intersection of the nearest intersecting through-street to the farthest end of the paved turnaround.

4.17 Waive requirement for drafting street cross sections at 50' station intervals, where the site plans show a proposed private development permitted under M.G.L. Ch. 40B.

4.19.7.1 Waive requirement for no new point source discharge within 100 feet of a bordering vegetated wetland, as overflows are provided for all infiltration systems.

4.19.7.2 Waive requirement for a closed stormwater collection system consisting of precast concrete drain manholes, precast concrete catch basins (5' I.D.), precast concrete water quality structures connected by straight segments of drain line (min. 12"), and cross-culverts consisting of straight segments of Class IV reinforced concrete pipe with gasketed joints, where site design may utilize other collection and conveyance methods including use of hydrodynamic separators and other pipe materials in accordance with MassDEP Stormwater Management Regulations.

4.19.7.4 Waive requirement for separate roof runoff recharge systems on all homes with capacity to accommodate 1-inch of runoff from roofs. The proposed drainage design of the project intends to comply with MassDEP Stormwater Management Regulations, and provides the required amount of stormwater recharge based on the impervious surfaces proposed.

4.19.7.5 Waive requirement that basin embankments having a height of greater than four feet between the required freeboard elevation and finished grade exterior to the basin shall require geotechnical testing and an embankment design prepared by a Massachusetts Geotechnical Professional Engineer, and for sections through such embankments be provided showing slopes, impervious cores, and surface armoring. Basins shall be designed in accordance with standard engineering practice according to the MassDEP Stormwater Management Regulations.

Waive requirement for surface stormwater basins and surrounding maintenance access berms be provided on separate lots not part of any building lot, with a 10-foot wide minimum access and maintenance easement extending from the public way to the stormwater basin lot, and a 10-foot wide tree easement with plantings around the berm, where the drainage basins on this project are all part of a single project lot to be privately maintained, and landscaping plan being provided such that easements are not needed.

Waive requirement for the edge of surface stormwater basins (measured at the required freeboard elevation) to be set back 100 feet from building cellars/basements and 200 feet from street intersections.

4.19.9.1 Waive requirement to recharge all stormwater onsite to allow offsite stormwater discharge. Peak rates of runoff will be controlled such that there is no increase from existing conditions.

5.2.1.1 Waive requirements for 26' wide pavement, 7' grass strip and sidewalks on both sides of a secondary street. The proposed roadways will be varying in width from 22 feet to 24 feet with a boulevard style roadway at the entrance development.

5.2.1.2 Waive requirements for 15" processed gravel and 4" dense grade beneath pavement, where roadways shall be privately owned and 12" processed gravel is proposed beneath the 4" dense grade which will provide a solid, durable base.

5.2.3. Waive requirement for an Earth Relocation/Removal Permit when 500 cubic yards or more of earth materials are to be removed from the site or relocated within the site.

5.2.6.3 Waive requirement of a plan showing as-built surface grades at 50' stations of the completed dense grade prior to installing bituminous concrete binder course for Planning Board approval, where this is a private development with no public ways proposed.

5.2.8 & 5.2.9 Waive the use of sloped granite curbing, to allow the use of cape cod berm.

5.3.3.3 Waive requirement of curb inlet stones at catch basins, to allow the use of cape cod berm.

5.3.5 Waive requirement to provide field stone masonry ends at culverts per Section 685 of the M.H.D. Standard Specifications, where proposed culverts may make use of concrete headwalls.

5.7 Waive requirement for retaining walls to be 4-ft. max height and of cemented stone masonry conforming to the relevant provisions of Section 685 of the M.H.D. Standard Specifications, where proposed retaining walls shall be as shown on the plans as cast-in-place concrete.

5.9. & 5.9.1 Waive requirements for street trees to be planted within a grass strip (or in tree easements per Planning Board discretion) at 35-foot or lesser intervals, on both sides of all streets, and other planting and guarantee requirements of the Planning Board where the roadways shall not be offered up for acceptance by the town. Also waive requirement for Planning Board approval of tree species where this project is permitted by the ZBA under M.G.L. Ch. 40B.

5.10 Waive requirements for loaming & seeding where a landscape plan has been prepared for this private development with specific details have been provided for ground covers and sequencing of construction. Also waive the prohibition on the removal of topsoil from the development where we anticipate the project area will have a surplus of loam that will be transported offsite to other land owned by the applicant.

5.12 Waive requirement for Street Light fees to be paid to the town and other street light requirements where the street lights proposed for this project will be privately maintained.

7.3.1 Waive requirement for dwelling to be constructed and residential use of the subject property to be expanded with a site plan approved by the Planning Board, where the ZBA will review these plans under a Comprehensive Permit per M.G.L. Ch. 40B. Waivers from all such site plan approval requirements are hereby requested.

7.4.2 Waive requirement for all site plans to be at 1" = 20' scale. 1" = 40' scale is used for site plan set which provides sufficient detail and clarity of the proposed work.

7.4.2.2 Waive those provisions of Sections 4 & 5 as necessary, substituting the words "site" for "subdivision" and "applicant" for "subdivider" where site plan approval by the Planning Board and no Special Permits are requested, and this project is permitted under M.G.L. Ch. 40B by a Comprehensive Permit from the Zoning Board of Appeals.

7.4.3.9 Waive requirement for front, side, and rear setback dimensions in accordance with the Norfolk Zoning Bylaws.

7.4.3.16 Waive requirements that all storm water drainage shall be contained on site unless otherwise approved by the Planning Board, that Soil Percolation tests shall be conducted in accordance with Subsection 5.3.12.2., that all facilities for accommodating storm water drainage shall comply with the relevant paragraphs of Regulation 5.3, that runoff from all structures shall be accommodated into leaching basins unless otherwise approved by the Planning Board, that all runoff from parking areas, driveways and service areas on the site shall be directed into a dedicated oil-water separator, and that roof runoff shall be discharged into drywells. The applicant requests waivers from all town stormwater management regulations (Planning Board & Conservation Commission) such that the drainage system intends to comply with MassDEP Stormwater Management Regulations.

7.4.3.25 Waive requirement that all waivers required for the project, be shown on the plans, and that such waivers are subject to approval of the Planning Board, where this project is permitted under M.G.L. Ch. 40B and the site plans are subject to Comprehensive Permit approvals by the Zoning Board of Appeals.

7.4.3.27 Waive construction requirements for parking lots and driveways to be the same as that for Secondary Streets, and as may be specifically allowed under the Norfolk Zoning Bylaws.

7.5 through 7.9 Waive all Site Plan submission, fee, hearing, and approval requirements administered by the Planning Board, where the Zoning Board of Appeals will review this application and plans under a Comprehensive Permit per M.G.L. Ch. 40B.

General Bylaws

ARTICLE VII SECTION 1: EARTH RELOCATION/REMOVAL

Waivers of all Town of Norfolk Bylaws and Regulations regarding the removal and/or relocation of earth, where this private development project is subject to a Comprehensive Permit issued by the Zoning Board of Appeals per M.G.L. Ch. 40B.

ARTICLE VII SECTION 2: WETLANDS PROTECTION BYLAW

Waivers from this bylaw and associated regulations regarding wetland protection, where this private development project is subject to a Comprehensive Permit issued by the Zoning Board of Appeals per M.G.L. Ch. 40B and shall be subject to 310 CMR 10.00 (MA Wetlands Protection Act).

ARTICLE VII SECTION 7: POST-CONSTRUCTION STORMWATER MANAGEMENT OF NEW DEVELOPMENTS & REDEVELOPMENTS

Waiver from this bylaw and associated regulations requiring a Stormwater Management Permit from the Planning Board for construction activities that disturb more than 1 acre, including but not limited to all plan submission, review, inspections/certificate of completion, and other administrative aspects, where this condominium project is subject to a Comprehensive Permit to be issued by the ZBA per MGL Ch. 40B.

ARTICLE IX: SIGN REGULATIONS

Waiver from this regulation requiring a Sign Permit and authorization from the Board of Selectmen or Special Permit from the Sign Granting Authority, to allow placement of a sign naming the development at the site entrance off Seekonk Street, where this private development is subject to a Comprehensive Permit to be issued by the ZBA per MGL Ch. 40B.

Zoning Bylaws with Amendments through May 2014

WATERSHED PROTECTION DISTRICT

D.3.d.1.b Waiver to allow structures, land disturbing activities, excavation within 25 feet of on-site wetlands/streams/ponds, and excavation to create ponding areas/drainage basins where portions of the proposed the entrance roadway (with retaining walls and box culvert) and drainage system will be constructed within 25 ft. of wetlands as shown on the plans.

D.3.f.1 - 5 Waiver to submit a Special Permit application to the Zoning Board of Appeals, and all plan submittal and procedural hearing requirements for proposed work within the Watershed Protection District, where the Zoning Board of Appeals will review this application and plans as part of the Comprehensive Permit per M.G.L. Ch. 40B, including but not necessarily limited to waivers to allow:

- J D.3.e.1.c Residential construction of roads, landscaping, stormwater controls, dwellings, and associated utilities upon issuance of an Order of Conditions from the Norfolk Conservation Commission
- J D.3.e.1.d Excavation, filling, dumping, transferring of earth materials or the filling, dumping or transferring of any earth material within the district. Portions of roads, landscaping, and stormwater controls are located within 25' of wetland resource areas.
- J D.3.e.1.e Any use not expressly allowed in Section D.3.c or prohibited in Section D.3.d.

PARKING

F.7.a Waive requirement for the Planning Board to make a decision on the adequacy of the parking by a Special Permit, where this project is to be reviewed by the Zoning Board of Appeals pursuant to M.G.L. Ch. 40B.

F.7.b.1 & F.7.b.1.a Waive requirements for off-street parking of 2 spaces per single family dwelling and 1.5 spaces for other dwellings, where the project will consist of a mix of single-family detached and duplex dwelling units, and will include 2-car garages integral to each of the dwellings. A total of 76 dwellings are proposed with 152 garage spaces and 166 off-street parking spaces are proposed (152 driveway spaces plus 14 spaces designated in two separate areas).

F.7.e Waive requirement for a Special Permit by the Zoning Board of Appeals for parking spaces in the front yard where the project is to be reviewed by the Zoning Board of Appeals pursuant to M.G.L. Ch. 40B.

F.7.i Waive requirement for travel lane widths as specified in this section, to allow two-way travel lanes at 22 feet and 24 feet wide with 90° parking spaces.

F.7.n Waive requirement for parking lots and appurtenances to be constructed in accordance with Planning Board regulations for same, where the project driveways and parking areas shall be constructed as shown on the plans.

SITE PLAN APPROVAL

F.11. and subsections a - d Waive requirements for Site Plan Review and Approval by the Planning Board, where this project is being review pursuant to M.G.L. Ch. 40B by a Comprehensive Permit by the Zoning Board of Appeals.

DESIGN REVIEW

F.12, F.12.c.1, & F.12.d - g Waive all requirements for applications to the Design Review Board, where this project is being review pursuant to M.G.L. Ch. 40B by a Comprehensive Permit by the Zoning Board of Appeals.

F.12.f.1 Waive requirement for a study model or final presentation model.

AFFORDABLE HOUSING DEVELOPMENT

H.3 Waive all requirements for providing affordable housing by Special Permit issued by the Planning Board, where seventeen (17) affordable housing units are to be provided by this project pursuant to M.G.L. Ch. 40B subject to a Comprehensive Permit by the Zoning Board of Appeals.

BOARD OF HEALTH REGULATIONS FOR SITING, CONSTRUCTION, INSPECTION, UPGRADE, REPAIR, AND EXPANSION OF ON-SITE WASTEWATER DISPOSAL SYSTEMS - FEBRUARY 11, 1997

III.2 Waive plan requirements for showing road crown and gutter elevations and final grades at 4 corners of each building, whereas this project will not have individual sewage disposal systems and it is impractical to show all of these elevations at each unit.

IV.5 Waive requirements for Board of Health approval of the water supply and stormwater drainage systems for this private development project where it is permitted pursuant to M.G.L. Ch. 40B subject to a Comprehensive Permit by the Zoning Board of Appeals. Wastewater disposal system plans shall be prepared in accordance with all pertinent MassDEP regulations for facilities with average daily flows greater than 10,000 gallons per day.

VII.3 Waive town requirements for sizing septic tanks and allow use of all pertinent MassDEP regulations for facilities with average daily flows greater than 10,000 gallons per day.

VII.4.A - C Waive requirement that only leaching trenches be used and allow use of other leaching systems approved for use by MassDEP. Wastewater disposal system plans shall be prepared in accordance with all pertinent MassDEP regulations for facilities with average daily flows greater than 10,000 gallons per day.

VII.6 Waive requirement for 10' spacing between leaching trenches, and to allow use of Title 5 leaching system design guidelines.

XII Waive requirements for pump systems, to allow use of Title 5 requirements for use of Enviro-Septic technology system, or other approved MassDEP approved technology as may be required in the final design.

BOARD OF HEALTH - REGULATIONS FOR PROJECT PLAN AND SUBDIVISION APPROVAL, ADOPTED JULY 3, 1988, AMENDED JANUARY 16, 1991 & SEPTEMBER 20, 2010

Waiver is requested from all submittal and approval requirements contained in these regulations, as this project is to be reviewed and administered by the Zoning Board under MGL Ch. 40B. Wastewater disposal system plans shall be prepared in accordance with all pertinent MassDEP regulations for facilities with average daily flows greater than 10,000 gallons per day.

BOARD OF HEALTH - SUBMITTAL GUIDELINES FOR SUBDIVISION PLANS, SITE PLANS OR OTHER TYPES OF PROJECT PLANS

Waiver is requested from all submittal and checklist requirements contained in these guidelines, including but not limited to stormwater management, as this project is to be reviewed and administered by the Zoning Board under MGL Ch. 40B. Wastewater disposal system plans shall be prepared in accordance with all pertinent MassDEP regulations for facilities with average daily flows greater than 10,000 gallons per day.

BOARD OF HEALTH – GROUNDWATER SUPPLY REGULATIONS, PUB. JULY 18, 1988, AMENDED AUGUST 10, 1988

Waiver is requested from this regulation that requires a Groundwater Impact Report, as this project is to be reviewed and administered by the Zoning Board under MGL Ch. 40B. Wastewater disposal system plans shall be prepared in accordance with all pertinent MassDEP regulations for facilities with average daily flows greater than 10,000 gallons per day.

CONSERVATION COMMISSION WETLANDS PROTECTION REGULATIONS

SECTION 2(1)(b) Waive requirement that lands within 100 feet of any of the other resource areas listed shall be regulated as a resource area, and to allow this buffer zone area to be regulated per the MA Wetlands Protection Act and its regulations.

SECTION 2(1)(c) Waive requirement that ephemeral streams be treated as a wetland resource area, and to follow MA Wetlands Protection Act and its regulations.

SECTION 3 Waive all town buffer zone performance standards, and follow MA Wetlands Protection Act and its regulations.

SECTION 14(4) Waive requirement for Stormwater Management design in strict compliance with the provisions of the "Rules and Regulations for the subdivision of Land and Site Plan Approval of the Town of Norfolk Planning Board", where Stormwater Management design is intended to compliance with MassDEP Stormwater Management Regulations.

Section 14(7) Waive all bylaw (Municipal) Filing Fees.

The applicant reserves the right to modify this waiver list as necessary for final design.