

LIST OF WAIVERS

PRESERVE AT ABBYVILLE

The Applicants have requested waivers from the General By-Laws of the Town of Norfolk, the Town of Norfolk Zoning Bylaws, the Rules and Regulations Governing the Subdivision of Land, and other local rules and regulations. The Applicant's requested waivers were set forth in its Application, as supplemented through the public hearing process. The ZBA's grant of waivers shall be subject to the terms and conditions imposed by this Decision, and to the extent that any waiver is inconsistent with a term or condition set forth elsewhere in this Decision, such term or condition shall govern. No grant of any waiver shall be deemed to waive compliance with any condition of approval of this Decision. Any provision of any local bylaw or regulation not waived herein shall be deemed to apply to the Project.

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A. BY-LAWS OF THE TOWN OF NORFOLK , AS AMENDED THROUGH NOVEMBER 15, 2016, AS AMENDED (GENERAL BYLAWS)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>ACTION</u>
Article VII Section 1	Land Use and Resource Protection	Earth Removal	Earth Removal Application, Permit, Fees, Bonds, Procedures, Requirements. No earth shall be removed from any parcel of land or contiguous parcels under common ownership within the Town to another parcel either within or without the Town without a special permit except as otherwise provided in Section 1.B.1. A special permit for removal of 500 or more cubic yards of earth may be granted by the Board. For projects requiring subdivision approval, site plan approval or a special permit from the Planning Board, the earth removal permit shall be considered and approved as a component of the subdivision approval, site plan or special permit. No separate earth removal permit is necessary.	Waived, subject to the conditions set forth in this Decision, as shown on the Approved Plans and in compliance with the Construction Management Plan. Notwithstanding the foregoing,, no on-site earth which can be used as structural fill will be removed off the site and no loam will be removed off the site until all non-vegetated open areas other than exposed ledge are covered to an average depth of six inches.

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<p>Article VII Section 2</p>	<p>Wetlands Protection Bylaw Town of Norfolk Wetlands Protection Regulations</p>	<p>Local Wetland Protection Bylaw and Regulations and Fees</p>	<p>Procedures, jurisdictional requirements, applications, fees, costs, regulations, policies and enforcement</p>	<p>. Waived in connection with any request for determination of applicability or abbreviated notice of resource area delineation (ANRAD), as well as any Notice of Intent filed in connection with any work on the site, or work concerning the extension of the water main off the site and located on Lawrence Street., for the project. Subject to the foregoing, if the Conservation Commission, as a part of a public hearing on a Notice of Intent filed under the State Wetlands Protection Regulations, 310 CMR 10.00, , determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland values protected by this bylaw, the Commission within 21 days of the close of the hearing, may impose conditions within the State Order of Conditions which the Commission deems necessary to protect those values under the bylaw.</p>
<p>Article VII Section 4</p>	<p>Scenic Road Bylaw</p>	<p>Tree removal</p>	<p>Public hearing and written consent for the removal of trees on Lawrence Street to accommodate travel way improvements including sight lines and water main extension</p>	<p>Waived for any clearing as required to install the water main and related improvements within the right of way of Lawrence Street and to provide clearing and related improvements for sight distance purposes as proposed for the required traffic improvements.</p>

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Article VII Section 5	Street Lighting	Street light electricity funding.	Payment of 300 months of electricity for street lights.	Waived, subject to the conditions set forth in this Decision. All street lights installed within the site will not be conveyed to the Town of Norfolk, and will be maintained by individual condominium unit owners and/or a homeowners association.
Article VII Section 7	Post-Construction Stormwater Management	Stormwater hearing, plan, inspections and permit.	Stormwater Permit issued by Planning Board.	Waived, provided that stormwater management will comply with MassDEP's Stormwater Management Regulations, handbook and related technical guidance (collectively, the "Stormwater Guidance"), as provided in the Decision, and will also be managed under a US EPA NPDES Stormwater Construction General Permit (CGP) for Massachusetts. Further, the Decision is conditioned upon ZBA review and approval of final stormwater management plans and calculations based upon compliance with the Stormwater Guidance..
Article VII Section 8	Property Stabilization Bylaw	To protect against erosion and sedimentation, and to limit adverse impacts to adjacent properties.	All properties that have been cleared of trees, shrubbery, grass, topsoil and/or any other natural features shall be considered an "Unstabilized Property" which shall require a special permit under this by-law if such property remains in an unstabilized state for more than 60 days. This By-law shall apply to all Unstabilized Properties even if such property is the subject of a permit for construction, earth removal, improvement or alteration of any type.	Waived. Subject to the conditions of this Decision and the requirements of the Construction Management Plan

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B. TOWN OF NORFOLK ZONING BYLAWS , AS AMENDED THROUGH NOVEMBER 15, 2016 (ZONING BYLAW)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section D Subsection D.1 including Section D.1.a.1 and D.1.a.2	Use Regulations	Basic Requirements	<p>No BUILDING, STRUCTURE, or land shall be used for any purpose or in any manner other than is permitted as set forth in the Schedule of Use Regulations, Section D.2 of the bylaw, and in accordance with the following notations: Yes - Use Permitted SP - Use Allowed as an Exception under Special Permit by the PERMIT GRANTING AUTHORITY No - Use Prohibited.</p> <p>No BUILDING or STRUCTURE shall be constructed, and no BUILDING, STRUCTURE, or land shall be used in whole or in part, for any purpose other than for one or more of the uses hereinafter set forth as permitted in the district in which said BUILDING, STRUCTURE, or land is located, or set forth as permissible by Special Permit in said district, and so authorized, Requirements for clearing, excavation, filling, gravel removal, or other cutting of trees prior to receiving a building permit.</p>	Waived, subject to the conditions set forth in this Decision.
Section D Subsection D.1.b	Use Regulations	Enumerated Uses; Prohibitions.	Any use not specifically enumerated in a district herein shall be deemed prohibited.	Waived, subject to the conditions set forth in this Decision

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B. TOWN OF NORFOLK ZONING BYLAWS , AS AMENDED THROUGH NOVEMBER 15, 2016 (ZONING BYLAW)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section D, Subsection D.1, including D.1.d.	Use Regulations	Basic Requirements and Conformity with Zoning Bylaw.	All applicants for new Residential Dwellings hereinafter constructed shall be prohibited from cutting down certain trees within specified distances except as permitted by the Building Commissioner. Permitted uses and uses allowed by the PERMIT GRANTING AUTHORITY shall be in conformity with all dimensional requirements, off-STREET parking requirements, and any other pertinent requirements of this bylaw	Waived, subject to the conditions set forth in this Decision
Section D Subsection D.2	Use Regulations	Schedule of Use Regulations	Permitted uses within the R-3 Zoning District under Section D.2.c.1. are limited to a SINGLE FAMILY DWELLING	Waived, Allow for a total of 64 residential units, including a total of twenty (20) single family dwellings for residential use on separate single family lots, and a total of 22 Duplex Style buildings for a total of 44 separate condominium dwelling units on a single condominium lot, all of which shall be for residential ownership use, along with parking, related customary residential accessory uses including mail box structures, a bus stop, utilities, private on-site sewage disposal in conjunction with and associated structure and works as permitted under 314 CMR 15.00) and local board of health regulations not waived. and other appurtenant uses customary to the above-referenced uses including those uses allowed within an R-3 Zoning District under the Zoning Bylaw, subject to the conditions set forth in this Decision

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section D Subsection D.3	Watershed Protection District	Conditions or Prohibits Uses within the Watershed Protection Overlay District	Conditions or Prohibits Uses and activities within the Watershed Protection District which includes all streams, brooks, rivers, ponds, lakes, named or unnamed, and other bodies of water shown on the plan entitled "Norfolk, Massachusetts, Planimetric Survey", dated 1964, prepared by New England Survey Services, Inc., Civil & Consulting Engineers, Boston, Mass (scale 1"= 2000') prepared under the direction of the Board of Assessors and used as a base plan for the assessors maps revised through the fiscal year 2002 and kept on file with the Norfolk Board of Assessors	Waived, subject to the conditions set forth in this Decision

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section D Subsection D.4	Aquifer and Water Supply and Interim Wellhead Protection Districts	Conditions or Prohibits Uses within the Water Supply and Interim Wellhead Protection Districts which are delineated on a map at a scale of 1-inch = 1000 feet. This map, as it may be amended from time to time, is entitled, “Aquifer and Water Resource Protection Map - Town of Norfolk, MA” is dated August 20, 1997,	Conditions or Prohibits Uses and activities within the Districts, including: D.4.e.2.h. Earth removal, . . . ; D.4.e.2.k. Treatment works which are subject to 314 CMR 5.00 including privately owned sewage treatment facilities, except the following: D.4.e.2.k.1. The replacement or repair of an existing treatment works which will not result in a design capacity greater than the design capacity of the existing treatment works; D.4.e.2.k.2. The replacement of existing subsurface sewage disposal system(s) with wastewater treatment works which will not result in a design capacity greater than the design capacity of the existing system(s); D.4.e.2.k.3. Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater.	Waived, subject to the conditions set forth in this Decision, including conditions governing the Project’s stormwater and wastewater management arrangements.

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B. TOWN OF NORFOLK ZONING BYLAWS , AS AMENDED THROUGH NOVEMBER 15, 2016 (ZONING BYLAW)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section D Subsection D.4 (Cont'd)	Aquifer and Water Supply and Interim Wellhead Protection Districts	Conditions or Prohibits Uses within the Water Supply and Interim Wellhead Protection Districts which are delineated on a map at a scale of 1-inch = 1000 feet. This map, as it may be amended from time to time, is entitled, "Aquifer and Water Resource Protection Map - Town of Norfolk, MA" is dated August 20, 1997,	(cont'd) Also allows the following use only by Special Permit issued by the Zoning Board of Appeals, including Section D.4.e.3. A system for groundwater recharge must be provided which does not degrade groundwater quality. Pursuant to 760 CMR 56.05(7), waivers are not needed from Special Permit provisions of a zoning bylaw, but only from the requirements of the underlying as of right zoning requirements.	
Section E Subsection E.1	Intensity and Dimensional Regulations	Basic Requirements	E.1.a. No BUILDING or STRUCTURE hereafter erected in any district shall be built, located or enlarged on any LOT which does not conform to the minimum requirements of this bylaw. No existing LOT shall be changed as to size or shape so as to result in a greater violation of the requirements set forth below.	Waived, subject to the conditions set forth in this Decision.

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B. TOWN OF NORFOLK ZONING BYLAWS , AS AMENDED THROUGH NOVEMBER 15, 2016 (ZONING BYLAW)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section E Subsection E.1 (Cont'd)	Schedule of Dimensional Requirements	E.1.b. Schedule of Dimensional Requirements	<p>The following are the required dimensional provisions for a building located within the R-3 Zoning District:</p> <p>--Min Lot Size (sf.) = 55,000</p> <p>--Min. Frontage (in feet) = 200</p> <p>--Required Circle (in feet) = 200</p> <p>--Min Yard Setback (in feet)</p> <ul style="list-style-type: none"> • Front = 50 • Side = 25 • Rear = 25 	<p>Waived, but subject to the following minimum requirements:</p> <p>For Single Family Lots:</p> <p>--Min Lot Size (sf.) 30,000</p> <p>--Min Frontage (feet) 75</p> <p>--Required Circle waived</p> <p>--Min Yard Setbacks (feet)</p> <ul style="list-style-type: none"> • Front= 20 • Side= 10 • Rear= 25 <p>For Condominium Lot:</p> <p>--Min Lot Size (acres) 45</p> <p>--Min Frontage (feet) 150</p> <p>--Required Circle Waived</p> <p>--Min Building Setbacks (feet)</p> <p>Waived to allow all condominium unit buildings on the condominium lot, to be located on a single lot as described above which does not comply with the dimensional requirements under Section E.1.b, but which is as shown on Approved Plan where each building is at least 15 feet from another building and each building garage door shall be offset 20 feet from the back edge of the cape cod berm, or back edge of sidewalk, whichever is closest.</p>

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B. TOWN OF NORFOLK ZONING BYLAWS , AS AMENDED THROUGH NOVEMBER 15, 2016 (ZONING BYLAW)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section E Subsection E.1 (Cont'd)	Lot Width, Frontage and Setback Line	Specific requirements.	Section E.1.c. -- The LOT width cannot be less than the required FRONTAGE., and shall be maintained from the FRONTAGE line to the front setback line. No LOT shall be narrower than fifty (50) feet at any point between the FRONTAGE and the rear of the DWELLING. E.1.c. The REQUIRED CIRCLE (i.e., A circle with a diameter equal to the required FRONTAGE.), must fit entirely within the LOT No LOT shall be narrower than the required FRONTAGE between the FRONTAGE line and the REQUIRED CIRCLE. E.1.c.. Nothing shall prohibit a BUILDING from being set back a greater distance from the STREET, providing that all of the minimum dimensional requirements can be met.	Waived, as per Approved Site Plan
Section E Subsection E.1. (Cont'd)	Build Factor	Build Factor	A ratio of LOT perimeter to LOT area which limits the degree to which a LOT may have an irregular shape according to the following formula described in Section E.1.a The maximum allowed is 20.	Waived, subject to the conditions set forth in this Decision.

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section E Subsection E.1. (Cont'd)	Continuous Buildable Lot Area	Minimum lot area requirements.	At least sixty percent (60%) of the minimum LOT area required for zoning compliance shall be contiguous land other than that located within an area identified as Flood Plain - Wetlands as defined by Massachusetts General Law, Chapter 131, Section 40, and/or the Town of Norfolk Wetlands Bylaw.	Waived, subject to the conditions set forth in this Decision.
Section E Subsection E.2.	Corner Lots or Through Lots	Requirements for Corner Lots or Through Lots	A corner or through LOT shall maintain minimum front YARD setback requirements for each STREET FRONTAGE.	Waived, subject to the conditions set forth in this Decision.
Section F Subsection F.1	General Regulations	Basic Requirement	All BUILDINGS or STRUCTURES hereinafter constructed, reconstructed, altered, enlarged, or moved, or use of all premises in the Town of Norfolk shall be in conformity with the provisions of this bylaw.	Waived, subject to the conditions set forth in this Decision.
Section F Subsection F.5	Accessory Buildings and Swimming Pools	Setback Requirements	No ACCESSORY BUILDING shall be closer to any principal BUILDING or any LOT LINE than a distance equal to the height of such ACCESSORY BUILDING and in no event in a front YARD. No swimming pool shall be constructed closer than twenty-five (25) feet to any LOT LINE, and in no event in the front YARD setback.	Waived as it may apply to the Bus Stop Structure and Mailbox Unit structures.

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section F, Subsection F.7.i through F.7.p	Parking	Restrictions which do not apply to SINGLE FAMILY DWELLINGS.	Restrictions which do not apply to SINGLE FAMILY DWELLINGS.	Waived as to parking related to the condominium units.
Section F Subsection F.9	Signs	Basic Requirements	--F.9.a.14. No subdivision SIGN, where permitted, shall be erected upon property belonging to the Town of Norfolk, nor on any STREET right of way. A special permit for such a SIGN shall be limited to two years from the date of issuance. Renewal of the Special Permit for an agreed upon duration may be granted after presentation of justification by the APPLICANT. --F.9.b.1.c.6. A residential subdivision shall be permitted one freestanding SIGN bearing the name of the subdivision and not exceeding 8 sq. ft. per side. Pursuant to 760 CMR 56.05(7), waivers are not needed from Special Permit provisions of a zoning bylaw, but only from the requirements of the underlying as of right zoning requirements. A subdivision sign is not permitted by right.	Waived to allow for permanent signs at each entrance, each of which shall constructed into a fieldstone wall with indirect uplighting. The location, length and height to be depicted on the Approved Site Plans.
Section F Subsection F.10	Performance Standards	Performance Standards (as recommended by the National Industrial Zoning Committee)	Various performance standards related to industrial requirements.	Waived, subject to the conditions set forth in this Decision including the final Construction Management Plan.

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B. TOWN OF NORFOLK ZONING BYLAWS , AS AMENDED THROUGH NOVEMBER 15, 2016 (ZONING BYLAW)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Section F Subsection F.11	Site Plan Approval	Thresholds, determinations and exemptions from site plan approval requirements.	Thresholds, determinations and exemptions from site plan approval requirements.	Waived. The Site Plan Approval process described in Section F.11 is subsumed within this comprehensive permitting process per Chapter 40B.
Section F Subsection F.12	Design Review	A Design Review Board shall review applications for all actions that are subject to the provisions of this Section and shall make recommendations to the Building Inspector, Planning Board or Zoning Board of Appeals, as appropriate, concerning the conformance of the proposed action to the design review standards contained herein.	All new STRUCTURES, ...changes in outdoor land use or changes in site design which require a building permit and which affect the exterior architectural appearance of a BUILDING, provided that the action occurs on land which is ... used for non-residential purposes or non-conforming uses in Residential 1-3 Districts.	Waived. The Design Review process described in Section F.12 is subsumed within this comprehensive permitting process per Chapter 40B.
Section G Subsection G.3	Certificate of Occupancy	Conditions regarding Certificate of Occupancy	A certificate of occupancy shall state the STRUCTURE and use of STRUCTURE and land comply in every respect with the provisions of the Building Code and/or the Zoning bylaw of the Town of Norfolk in effect at the time of issuance. A Certificate of Occupancy shall be conditional on the maintenance of full compliance with the provisions of the Zoning Bylaw in effect at the time of issuance, or with restrictions imposed in decision of the Board of Appeals, and shall lapse if such compliance fails.	Waived only to the extent that the Bylaw requires buildings to comply with the Zoning Bylaw, where provisions of the Zoning Bylaw have been waived in the Decision. Constructed buildings shall comply with the Zoning Bylaw, except those provisions waived in this Decision, and shall comply with the conditions of this Decision. All other provisions of Section G.3 shall apply to the Project.
Section H, Subsection H.3	Affordable Housing Development	Conditions for inclusionary zoning for certain development in all residential and mixed use zoning districts described in Subsection H.3.b.	The development of any project set forth in Section H.3.b shall require the grant of a Special Permit from the Planning Board.	Waived, subject to the conditions set forth in this Decision..

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C. TOWN OF NORFOLK PLANNING BOARD RULES AND REGULATIONS FOR SUBDIVISION OF LAND AND FOR SITE PLAN APPROVAL AND SPECIAL PERMIT RULES AND REGLATIONS, Last Amended SEPTEMBER 16, 2010				
<u>REGULATION</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Subdivision Rules and Regulations	Rules and Regulations Governing the Subdivision of Land (Rev. November 19, 2003)	Standards, Application, Bond and Fee requirements.	Standards, Application, Bond and Fee requirements	Waived. The Subdivision Control Law is inapplicable to this Project, and the subdivision review process set forth in the regulations is subsumed within this comprehensive permitting process per Chapter 40B. Conditions in this Decision address the matters of concern within the Subdivision Rules and Regulation.
Section 2.0 Subsection 2.1	Definitions	Various Definitions	Defines “Board” as the Planning Board of the Town of Norfolk	Waived. See waiver decision above concerning the applicability of the Subdivision Rules and Regulations.
Section 3.0 Subsection 3.3.2.19	Tree Plan	Plan requirements for existing trees and proposed plantings within or near rights of way.	Plan requirements for existing trees and proposed plantings within or near rights of way.	Waived, subject to the conditions set forth in this Decision..
Section 3.0 Subsection 3.3.2.21	Impacts Studies and Assessments	Preparation of Impact Studies and Assessments as directed by the Board.	Preparation of Impact Studies and Assessments as directed by the Board.	Waived, subject to the conditions set forth in this Decision..
Section 3.0 Subsection 3.3.2.23	Traffic Impact Analysis	Traffic Impact Analysis	Preparation of traffic Impact Analysis based upon scope described in Regulations.	Waived. See waiver decision above concerning the applicability of the Subdivision Rules and Regulations.
Section 3.0 Subsection 3.3.2.24	Curb Tie and Alignment Plan	Curb Tie and Alignment Plan	A curb tie and alignment plan shall be submitted	Waived. See waiver decision above concerning the applicability of the Subdivision Rules and Regulations

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Section 3.0 Subsection 3.3.4	Soil Survey and Percolation Test	Soil Survey and Percolation Testing	The Board or its agent may require surveys and/or test pits or borings	Waived. See waiver decision above concerning the applicability of the Subdivision Rules and Regulations
Section 3.0 Subsection 3.3.5	Procedure; Approval or Disapproval	Review; Approval or Disapproval	Local board and department review process for plans; approval or disapproval of Definitive Subdivision Plan	Waived. See waiver decision above concerning the applicability of the Subdivision Rules and Regulations.
Section 3.0 Subsection 3.4	Implementation of Plan	Subdivision completion requirements.	Subdivision approval, performance bond, completion timeframes, lot releases, as-built plans.	Waived, subject to the conditions set forth in this Decision.
Section 4.0 Subsections 4.1.1 - 4.1.4	General Requirements and Design Standards	General Requirements and Design Standards	Requires compliance with Design Standards under Sections 4.0, 5.0 and 6.0	Waived, subject to the conditions set forth in this Decision.
Section 4.0 Subsections 4.2	Relation to Surrounding Areas	General Design Standards and conformity with zoning	To conform with Plans of Norfolk as adopted by the Norfolk Planning Board	Waived, subject to the conditions set forth in this Decision.
Section 4.0 Subsection 4.3	Minimum Lot Size	No Lot Area in Width, in a subdivision shall be less than zoning	Conform with Zoning Bylaw for the District in which it is located	Waived, subject to the conditions set forth in this Decision.
Section 4.0 Subsection 4.9.2	Watercourses	Streams and Watercourses	To be provided with emergency /maintenance access easements .	Waived, subject to the conditions set forth in this Decision.
Section 4.0 Subsection 4.9.4	Trees	Tree Planting Requirements	Tree Planting Requirements	Waived, subject to the conditions set forth in this Decision..
Section 4.0 Subsection 4.10	Walkways	Pedestrian ways/walkways	Stake the sideline of proposed walkways at fifty foot intervals	Waived, subject to the conditions set forth in this Decision.
Section 4.0 Subsection 4.12.1	Trees	Tree Removal	Prior to 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 a site plan to be reviewed by the Board.	Waived, subject to the conditions set forth in this Decision. Per the conditions, Applicant shall show limit of work (and not individual trees) on the site plans to be reviewed by the ZBA, and the perimeter of these limits shall be flagged for clearing prior to construction.

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Section 4.0 Subsection 4.14.2	Access to Primary Streets and Through Streets	Intersections to secondary and residential streets with primary streets	Intersections of secondary and residential streets with primary streets will not be allowed with offsets between intersections of less than 350 feet whether on the same or opposite side of the primary or through street	Waived, subject to the conditions set forth in this Decision.
Section 4.0 Subsection 4.14.3	Reconstruction of Adjacent Public Ways	Reconstruction of Adjacent Public Ways	In cases where the development of a subdivision may cause congestion or a danger	Waived, subject to the conditions set forth in this Decision
Section 4.0 Subsection 4.14.5	Reverse Curves	Reverse Curves on streets	Reverse Curves on streets may be separated by a straight section of road at least 150 feet in length if a street has a design speed of 30mph or less	Waived, subject to the conditions set forth in this Decision.

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<p>Section 4.0 Subsection 4.14.6</p>	<p>Right of Way Width & Alignment</p>	<p>Right of Way Widths & Alignments Based on Design Speed</p>	<p>On all classifications of streets, the characteristics as shown in the chart entitled, “Right-Of-Way Widths and Alignments Based on Design Speed”</p>	<p>Waived but shall be in compliance with the Cross Sections as shown on the Approved Site Plan and as noted:</p> <p>Primary Street Minimum Curb to Curb Width is waived and reduced from 28 feet to 24 feet. A Secondary Street Minimum Curb to Curb Width is waived and reduced from 26 feet to 22 feet for the Condominium Lot</p> <p>Primary Street Minimum Right of Way Width is waived and reduced from 60 feet to 50. A Right of Way Width is waived for the secondary street/driveway on the Condominium Lot.</p> <p>Minimum Primary Street Centerline Radius is waived and reduced from 280 feet to 225 feet. Minimum Secondary Street Centerline Radius is waived and reduced from 170 feet to 110 feet for the Condominium Lot.</p>
<p>Section 4.0 Subsection 4.14.9</p>	<p>Cul de Sacs</p>	<p>The paved portions of Cul de Sacs</p>	<p>The paved portion of Cul de Sacs, whether temporary or permanent shall not be less than 250 feet in length and not exceed 500 feet in length measured from the intersection (centerline) of the nearest intersecting through street to the farthest end of the paved turnaround and shall not provide access to more than seven (7) lots.</p>	<p>Waived subject to the conditions set forth in this Decision and as shown on the Approved Site Plan</p>

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Section 4.0 Subsection 4.15	Slopes	Slopes of Excavated Cuts	Excavated cuts shall have a minimum slope of 3:1.	Waived, on lots 4-6, 8-12 and the Condominium Lot. Subject to the conditions set forth in this Decision.
Section 4.0 Subsection 4.16	Driveways	Slope of the Driveway	Sloping Driveways downward towards the right of way line is prohibited	Waived to allow driveways to slope towards the right of way, provided that driveway is designed such that stormwater flow from driveway is diverted away from the right of way so as not to create an icing, puddling or other hazard on such right of way.
Section 4.0 Subsection 4.17	Street Cross-Sections	Street Cross-Section Standards	Requires cross-sections to be drawn at 50 foot stations and at all proposed culverts at a scale of 8 feet to the inch.	Waived and replaced with Typical Cross Sections for each roadway
Section 4.0 Subsection 4.18	Walkways on Existing Roadways; Widths	Walkways on Existing Roadways; Widths	Design Standards	Waived, subject to the conditions set forth in this Decision.
Section 4.0 Subsection 4.19	Stormwater Management System	Stormwater Management System	Stormwater Management System requirements.	Waived, subject to the conditions set forth in this Decision.
Section 5.0 Subsection 5.1.4	Staking Prior to Construction	Staking Prior to Construction	Prior to the start of construction of any subdivision, the property shall be staked along both sides of the right of way	Waived, subject to the conditions set forth in this Decision.
Section 5.0 Subsection 5.2.1	Minimum Widths and Depths	Minimum Widths and Depths as shown in Tables 5.2.1.1 and 5.2.1.2	Minimum Requirements for Widths and Depths for Streets	Waived, subject to the conditions set forth in this Decision and in accordance with the Typical Cross Sections as shown on the Approved Site Plan.
Section 5.0 Subsection 5.2.8 – 5.2.9	Slant Granite Curbing & Curb and Edging	Slant Granite Curbing & Curb and Edging	Sloped Granite Edging shall be required on both sides of the traveled ways and shall be set after the binder course is placed and before the top course is placed.	Waived, subject to the conditions set forth in this Decision and in accordance with the Typical Cross Sections as shown on the Approved Site Plan.

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Section 5.0 Subsection 5.2.10.2	Clearing & Grubbing	Removal of Trees	The removal of all trees shall be in compliance with the Shade Tree Act and the Scenic Roads Act where applicable. Trees not protected under these Acts if in living, viable condition and having a trunk in excess of 12 inches in diameter measured four feet above grade shall be retained wherever possible.	Waived, subject to the conditions set forth in this Decision.
Section 5.0 Subsection 5.3.3.2 – 5.3.3.4	Catch Basins, Curb Inlet Stones and Transition Curbs	Catch Basins, Curb Inlet Stones and Transition Curbs	Catch Basins, Curb Inlet Stones and Transition Curbs	Waived, subject to the conditions set forth in this Decision and in accordance with the Typical Cross Sections as shown on the Approved Site Plan.
Section 5.0 Subsection 5.3.4	Flared and Metal Ends	Flared and Metal Ends	Discharge ends of storm drains shall be provided with flared/metal ends	Waived, subject to the conditions set forth in this Decision and in accordance with the Typical Cross Sections as shown on the Approved Site Plan.
Section 5.0 Subsection 5.7	Retaining Walls	Retaining Walls	Retaining Walls shall be installed where required and deemed necessary by the Planning Board. They shall be cemented stone masonry conforming to the relevant provisions of Section 685 of the M.H.D. Standard Specifications, Construction Standards and in accordance with the procedures described herein. Maximum visible height of the retaining walls shall be four (4) feet	Waived, subject to the conditions set forth in this Decision and as shown on the Approved Site Plans. The retaining walls shown to the rear of lots 8-12 shall be designed by an Engineer and reviewed by the Board's Consultant prior to its construction.

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Section 5.0 Subsection 5.8	Fire Alarm System	Fire Alarm System	Fire Alarm System if any shall be installed in accordance with the recommended practices of the National Fire Protection Association	Waived
Section 5.0 Subsection 5.9	Street Trees	Street Trees	Street Trees Shall be planted within the grass strip	Waived in accordance with the Landscape Plans and the Approved Site Plan
Section 5.0 Subsection 5.9.4	Tree Wells	Tree Wells	Tree Wells are required to protect existing trees where deemed necessary by the tree warden	Waived in accordance with the Landscape Plans and the Approved Site Plan
Section 5.0 Subsection 5.12	Street Lights	Street Lights	The applicant shall be responsible for paying fees established by the Town of Norfolk to defray the cost of installation and initial operation of streetlights	Waived, subject to the conditions set forth in this Decision. All street lights installed within the Site will not be conveyed to the Town of Norfolk, and will be maintained by individual condominium unit owners and/or a homeowners association
Appendix A	Supplemental Requirements	Fees – Earth Relocation / Removal	Fees and Permits and other Requirements.	Waived as these Fees and Permit Requirements are subsumed within this comprehensive permitting process per Chapter 40B.
Appendix B	Forms	Forms	Completion and / or filing	Waived as these Forms are subsumed within this comprehensive permitting process per Chapter 40B.
Appendix C	Typical Cross Sections	Typical Cross Sections	Typical Cross Sections	Waived and to be replaced with the Typical Cross Sections as shown on the Approved Site Plans
Appendix D	Typical Details / Figures	Design details and figures	Compliance	Waived and to be in accordance with the Approved Site Plans and accompanying Construction Details

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D. TOWN OF NORFOLK BOARD OF HEALTH RULES, REGULATIONS, GUIDANCE, POLICY AND GUIDELINES				
<u>REGULATION</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Guidelines	Submittal Guidelines for Subdivision Plans, Site Plans or Other Types of Project Plans (Undated)	Submittal requirements and fees.	Requirements and fees.	Waived. The Board of Health review process is subsumed within this comprehensive permitting process
Regulations	Regulations for Project Plan and Subdivision Approval, and Submittal Guidelines for Subdivision Plans, Site Plans, or Other Types of Project Plans, Amended September 20, 2010	Submittal requirements and fees.	Requirements and fees.	Waived. The Board of Health review process is subsumed within this comprehensive permitting process
Groundwater Supply Protection Regulations	Groundwater Supply Protection Regulations (Revised August 10, 1988)	Regulations and requirements relating to the subsurface discharge of sewage effluent, including the discharge from title 5 systems.	Regulations and calculations, including a groundwater impact report, related to subsurface discharge from systems and system nitrate loading.	Waived. The Board of Health review process is subsumed within this comprehensive permitting process

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E. TOWN OF NORFOLK FEE, BOND OR OTHER SECURITY REQUIREMENTS				
REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Department of Public Works	Fee and Service Schedule	Schedule of Water Rates and Fees	Application Fee, Standard Inspection Fee, Service Connection Fees, Semi-Annual Service Charges, Backflow Inspection Fees, and, Field Services.	Waived the Service Connection Fee of \$2,850.00 per unit with respect to each Affordable Unit. To be governed by the Comprehensive Permit.
Zoning Board of Appeals	Town of Norfolk Comprehensive Permit Rules of the Zoning Board of Appeals For Application of Comprehensive Permits, as amended (Section 7 of Article II, Norfolk Zoning Board of Appeals “Organization, Rules and Procedures”) (the “Local Rules”)	Substantive, Procedural and Fee Requirements for Comprehensive Permit Projects.	Section 7(c)(11) requires copies of the purchase and sale agreements to be provided with the Application.	Waived. Applicant has provided an opinion and evidence confirming the existence of binding purchase and sale agreements with respect to the Property.
Zoning Board of Appeals	Town of Norfolk Comprehensive Permit Rules of the Zoning Board of Appeals For Application of Comprehensive Permits, as amended (Section 7 of Article II, Norfolk Zoning Board of Appeals “Organization, Rules and Procedures”) (the “Local Rules”)	Substantive, Procedural and Fee Requirements for Comprehensive Permit Projects.	Section 7(b)(1) requires 20 copies of the complete application be submitted to the Zoning Board of Appeals.	Waived. Applicant has provided, as requested, 10 sets of application materials, two sets of full-sized plans, and one electronic version of the Application materials, as well as such additional requests to additional copies of all or a portion of the Application materials as may be reasonably requested to expedite review of the Project.