

Exhibit D  
Waiver Requests

**Waiver Requests as of December 21, 2023**

Through a Comprehensive Permit, the Franklin Zoning Board of Appeals has the authority under M.G.L. Chapter 40B and its implementing regulations to waive requirements of local bylaws; further, the Board of Appeals can act on behalf of any local permitting authority through the Comprehensive Permit process. The project plans reflect an attempt to minimize the number of waivers requested. Please find a table of the preliminary waivers necessary to permit the proposed project. The waiver requests list will be updated, if necessary, as the permitting process and design progresses.

<b>WAIVERS FROM ZONING BYLAW OF THE TOWN OF FRANKLIN FOR 444 EAST CENTRAL STREET</b>			
<b>LOCAL REGULATION</b>	<b>REQUIREMENT</b>	<b>PROPOSED</b>	<b>EXPLANATION</b>
<b>Section 185-7 Attachment 7– Use Regulations Schedule</b>	Multifamily Use is not allowed in the Commercial II Zoning District	Waiver granted to allow Multifamily Use is not allowed in the Commercial II Zoning District	This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board is required to act in place of all local permit granting authorities as part of the issuance of the Comprehensive Permit.
<b>185-11 – Number of Buildings on a Lot</b>	Not more than one single-family or two-family dwelling shall be erected on a lot. More than one principal building other than a single-family or two-family dwelling may be erected on a lot, provided that access, drainage and utilities serving each structure are functionally equivalent to that required for separate lots by the Planning Board rules and regulations, as certified to the Commissioner of Buildings by the Department of Public Works regarding access and drainage and by the Water Department and Fire Department regarding water; and further provided that lot area requirements are met for each building and use without counting any lot area twice.	Waiver granted to allow more than one principal building regardless of if the lot area requirements are met for each building and use without counting any lot area twice.	The final design will be needed to verify if the waiver will be required.

<b>Section 185-13 Attachment 9 – Schedule of Lot, Area, Frontage, Yard and Height Requirements</b>	Maximum Height of Building shall be 3 stories and/or 40 feet.	Waiver granted to allow height of building to be greater than 3 stories and 40 feet.	The final design will be needed to verify if the waiver will be required.
<b>185-16 – Setback from Streams and Ponds</b>	No building, parking area or leaching field shall be located within 35 horizontal feet of the normal bank of any stream or pond. A "stream" is a body of regularly running water having a year-round flow. A "pond" is a body of water which contains 1,000 square feet or more of water 11 months of the year.	Waiver granted to allow buildings and parking lots within 35 horizontal feet of a stream.	A final ANRAD will be needed to verify if the waiver will be required.
<b>Section 185-21.B.3.a.i – Parking Schedule</b>	Each dwelling unit, regardless of number of bedrooms requires 2 parking stalls	Waiver granted to provide less than 2 parking stalls per dwelling unit	Project proposes 1.35 parking stalls per unit.
<b>Section 185-30 – Tree Planting</b>	Any lot abutting a right-of-way of 75 feet or more in which a building is constructed within 150 feet of the right-of-way must have trees planted at least every 30 feet in a row between 30 and 50 feet back from the right-of-way, unless a sufficient number of trees already exists. Trees must be of two-inch caliper and approved by the Tree Warden. If any of the trees do not live through the first winter, they must be replaced.	Waiver granted to not require trees be required for a building constructed within 150 feet of the right-of-way.	The final design will be needed to verify if the waiver will be required. The clubhouse is currently proposed to be partially within 150' of the right-of-way.
<b>Section 185-31 – Site Plan Review</b>	No building permit shall be issued for, and no person shall undertake, any construction, alteration, or other improvements unless they have first obtained site plan review	Waiver granted from Site Plan Review by Planning Board	This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board of Appeals is required to act in place of all local permit granting authorities as part of the issuance of the Comprehensive Permit.

	approval from the Planning Board.		
<b>Section 185-40.D.1.I.i – Impervious Coverage</b>	Rendering impervious coverage up to 80% of the upland area of a lot located within the Water Resource District is permitted only in nonresidential zones provided an application for site plan approval has been provided. An applicant for site plan approval must provide artificial recharge that does not degrade groundwater quality. The proposed water recharge efforts shall be permitted only upon the approval of a hydrogeologist retained by the Town of Franklin at the expense of the applicant, under the provisions of MGL c. 44, § 53G	Waiver granted to allow impervious coverage up to 80% of the upland area within the Water Resource District without an application for site plan approval being provided.	This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board of Appeals is required to act in place of all local permit granting authorities as part of the issuance of the Comprehensive Permit.
<b>Section 185-40.E.4 – Drainage</b>	Drainage. Provision shall be made for on-site recharge of all stormwater runoff from impervious surfaces unless, following consultation with, and written approval from, the Conservation Commission, the Building Inspector determines that either recharge is infeasible because of site conditions or is undesirable because of uncontrollable risk to water quality from such recharge. Recharge shall be by surface infiltration through vegetative surfaces unless otherwise approved by the Building Inspector following consultation	Waiver granted to allow subsurface infiltration without the approval of the building inspector.	This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board of Appeals is required to act in place of all local permit granting authorities as part of the issuance of the Comprehensive Permit.

	with the Conservation Commission. Dry wells shall be used only where other methods are infeasible and shall employ oil, grease and sediment traps. Drainage from loading areas for hazardous materials shall be separately collected for safe disposal. Floor drainage systems in commercial/industrial process areas which discharge to the ground without a Department of Environmental Protection permit are specially prohibited.		
<b>WAIVERS FROM STORMWATER MANAGEMENT BYLAW OF THE TOWN OF FRANKLIN FOR 444 EAST CENTRAL STREET</b>			
<b>Franklin Stormwater Management By-Law Chapter 153</b>	Requires local approvals for stormwater management.	Waiver granted from Stormwater Management By-law by Planning Board	This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board of Appeals is required to act in place of all local permits granted by authorities as part of the issuance of the Comprehensive Permit. The project will be permitted under the MassDEP Stormwater Guidelines.
<b>WAIVERS FROM WETLANDS PROTECTION BYLAW OF THE TOWN OF FRANKLIN FOR 444 EAST CENTRAL STREET</b>			
<b>Franklin Wetlands Protection Bylaw Chapter 181-2</b>	Wetlands permit under local bylaw	Waiver granted for issuance of permit under local bylaw issued from Franklin Conservation Commission.	Waiver from local bylaw requirement. Project will comply with MA Wetlands Protection Act.
<b>Franklin Wetlands Protection Bylaw Chapter 181-8(C)(1)</b>	No adverse effect from work in 200-foot Riverfront Area	Waiver granted for expansion of impacted area within Riverfront Area	Proposed work is likely to result in an expansion of impervious area within Riverfront Area.
<b>Franklin Wetlands Protection Bylaw Regulations 4.2.1</b>	25' "No Disturb" Buffer Zone Protections	Waiver granted for work in 25' No Disturb Buffer Zone	Work in 25' No Disturb Buffer Zone to consist primarily of reuse of previously degraded Riverfront Area and/or restoration of previously degraded Riverfront Area.

<b>Franklin Wetlands Protection Bylaw Regulations 4.3.1</b>	25-50' "No Structure" Buffer Zone Protections	Waiver granted for work in 25-50' No Structure Buffer Zone	Work in 25-50' No Structure Buffer Zone to consist primarily of reuse of previously degraded Riverfront Area and/or restoration of previously degraded Riverfront Area (May be permitted under 4.3.2. if disturbed prior to 6/29/2006).
<b>Franklin Wetlands Protection Bylaw Regulations 4.4.1</b>	50-100' Buffer Zone Protections	Waiver granted for work resulting in >30% impervious area in 50-100' Buffer Zone	Work in 50-100' Buffer Zone may result in greater than 30% impervious surface area. Impervious surfaces will be located in previously degraded Riverfront Area to the greatest extent possible, and stormwater management will be provided per MassDEP Stormwater Guidelines.
<b>Franklin Wetlands Protection Bylaw Regulations 7.13</b>	Submittal of Alternatives Analysis	Waiver granted for Alternatives Analysis submittal for: <ul style="list-style-type: none"> <li>- Riverfront resource area</li> <li>- Alteration of riparian zone</li> <li>- Wetland filling up to 5,000 square feet</li> <li>- Structures proposed within the 50-foot buffer zone resource area</li> </ul>	Waiver from local regulation requirements for Alternatives Analysis.
<b>Franklin Wetlands Protection Bylaw Regulations 7.14.2</b>	Functions and values included in Replication Plan and Protocol	Waiver granted for evaluation of functions and values of lost wetlands and inclusion of these functions and values in Replication Plan/Protocol	Waiver from local regulation requirements. Project will comply with MA Wetlands Protection Act.
<b>Franklin Wetlands Protection Bylaw Regulations 7.15</b>	Construction Sequence and Schedule	Waiver granted for submittal of Construction sequence and schedule	Waiver from local regulation requirements.

By requesting the foregoing waivers from local bylaws and regulations, it is the intention of the Applicant to request a Comprehensive Permit to permit construction of the Project as shown on the Plan. If, in reviewing the Applicant's building permit application(s), the Building Commissioner determines that any additional waiver from local bylaws or regulations is necessary to permit construction to proceed as shown on the Plan, the Applicant requests that the Building Commissioner proceed as follows: The Applicant shall be informed of any additional waiver required and (a) any matter determined by the Building Commissioner to be of a de minimis nature shall be deemed within the scope of the waivers granted by the Comprehensive Permit; or (b) for any matter determined by the Building Commissioner not of a de minimis nature, including but not limited to potential adverse impacts on public health, safety, welfare or the environment, Applicant may submit a request to the Board for a determination under 760 CMR 56.05(11).