

Waiver Requests as of October 22, 2025

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. In addition, the applicant hereby requests that all other applicable exceptions from, and permits under, all bylaws, codes, ordinances, regulations and local requirements of Town of Franklin be granted pursuant to this application, so that the project can be built in accordance with the submitted plans.

WAIVERS FROM THE TOWN OF FRANKLIN ZONING BYLAW CHAPTER 185			
LOCAL REGULATION	REQUIREMENT	PROPOSED	EXPLANATION
Section 185-7 Attachment 7– Use Regulations Schedule	Multifamily Use is not allowed in the Commercial II Zoning District	Waiver granted to allow Multifamily Use 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.
185-11 – Number of Buildings on a Lot	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.	Waiver granted to allow 4 multifamily buildings, a clubhouse and 6 garages.
Section 185-13 Attachment 9 – Schedule of Lot, Area, Frontage,	Maximum Height of Building shall be 3 stories and/or 40 feet.	Waiver granted to allow height of building to be four-stories and 50' max.	Based on flat roofs rather than sloped-roofs. Three, four story buildings proposed, and one, three story building proposed.

Yard and Height Requirements			
185-16 – Setback from Streams and Ponds	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 waiver is granted to allow buildings within 20 feet of stream and parking areas within 22 feet of stream.
Section 185-20 – Signs	All signs within the Commercial and Business Corridor Sign District (CBCD) are required to obtain approval from the Design Review Commission prior to the issuance of a sign permit from the Building Commissioner	Waiver granted allowing the ZBA to grant approval prior to the issuance of a sign permit.	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.
Section 185-21.B.3.a.i – Parking Schedule	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 1.52 parking stalls per unit.
Section 185-21 C(9) (“Parking space dimensions”) in Article V – Parking, Loading and Driveway Requirements	§ 185-21 C(9)(a) states: “Parking spaces in a layout other than parallel shall not be less than nine feet in width and 19 feet in length.”	Waiver granted to provide smaller parking spaces than zoning mandates.	Refer to Revised Comprehensive Permit Site Plan dated 10/22/25 for parking stalls sized to scale. Portion of parking spaces are 8.5’ wide and portion of parking spaces are compact size with less than 19’ length.
Section 185-31 – Site Plan Review	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 approval from the Planning Board.	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.
Section 185-40.D.1.i.i – Impervious Coverage	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	Waiver granted to allow impervious coverage up to 80% of the upland area within the Water Resource District without an application	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.

	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	for site plan approval being provided.	
Section 185-40.E.4 – Drainage	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 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.	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.

WAIVERS FROM THE TOWN OF FRANKLIN STORMWATER MANAGEMENT BYLAW CHAPTER 153			
Section 153-10 Surety	Posting a Surety at the discretion of the Director of Franklin Department of Public Works	Waiver requested not to require a surety.	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. Any surety conditions should be provided as a condition of approval
Section 153-15.A(9) Groundwater	Groundwater levels measured (November to April) in areas to be used for stormwater retention, detention, or infiltration.	Waiver granted to provide groundwater elevations agreeable to the third-party stormwater peer review engineer.	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.
Section 153-16.A	Control of stormwater shall meet the Town of Franklin's Subdivision of Land Stormwater Regulations.	Waiver granted to allow the control of stormwater not meet the Town of Franklin's Subdivision of Land Stormwater Regulations.	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.
WAIVERS FROM THE TOWN OF FRANKLIN WETLANDS PROTECTION BYLAW CHAPTER 181			
Franklin Wetlands Protection Bylaw Chapter 181-1 Purpose.	Additional functions, characteristics, standards and procedures under bylaw.	Waiver granted for additional standards and procedures of bylaw.	Proposed work to comply with requirements of MA Wetlands Protection Act.
Franklin Wetlands Protection Bylaw Chapter 181-2 Jurisdiction.	Wetlands permit under local bylaw with expanded jurisdiction (e.g. areas that do not border on surface waters).	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.
Franklin Wetlands Protection Bylaw Chapter 181-8(C)(1)	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.
WAIVERS FROM THE TOWN OF FRANKLIN WETLANDS PROTECTION REGULATIONS			

Franklin Wetlands Protection Bylaw Regulations Section 2	Additional performance standards under bylaw.	Waiver granted for compliance with bylaw performance standards	Project to be subject to performance standards as regulated by the MA Wetlands Protection Act.
Franklin Wetlands Protection Bylaw Regulations 4.2	25' "No Disturb" Buffer Zone Protections	Waiver granted for work in 25' No Disturb Buffer Zone	Work in 25' No Disturb Buffer Zone is extremely limited and consists primarily of reuse of previously degraded Riverfront Area and/or restoration of previously degraded Riverfront Area.
Franklin Wetlands Protection Bylaw Regulations 4.3	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).
Franklin Wetlands Protection Bylaw Regulations 4.4	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.
Franklin Wetlands Protection Bylaw Regulations 5	Procedure for requesting variance from bylaw regulations	Waiver granted for variance request requirement	Applicable bylaw provisions and regulations thereunder expected to be waived, therefore rendering this section unnecessary.
INSTRUCTIONS FOR FILING A NOI IN FRANKLIN 7.4.4 LOCAL FILING FEE	Waiver requested for local filing fee.	Waiver granted for local NOI filing fee.	Waiver from local Conservation Commission Regulations. Project will comply with MA Wetlands Protection Act.
Franklin Wetlands Protection Bylaw Regulations 7.11	Submittal of mitigation plan	Waiver granted for submittal of mitigation plan for wetland/buffer zone impacts	Mitigation required for compliance with MA Wetlands Protection Act has been provided.
Franklin Wetlands Protection Bylaw Regulations 7.13	Submittal of Alternatives Analysis	Waiver granted for Alternatives Analysis submittal for: <ul style="list-style-type: none"> - Riverfront resource area - Alteration of riparian zone 	Waiver from local regulation requirements for Alternatives Analysis. Alternatives Analysis for work in Riverfront Area has been included in Notice of Intent.

		<ul style="list-style-type: none"> - Wetland filling up to 5,000 square feet - Structures proposed within the 50-foot buffer zone resource area 	
Franklin Wetlands Protection Bylaw Regulations 7.14	Replication ratio of 2:1; 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 and replication at 2:1 ratio. Replication provided at less than 2:1.	Waiver from local regulation requirements. Project will comply with MA Wetlands Protection Act.
Franklin Wetlands Protection Bylaw Regulations 7.15	Construction Sequence and Schedule	Waiver granted for submittal of Construction sequence and schedule on plan set.	Waiver from local regulation requirements.
Franklin Wetlands Protection Bylaw Regulations 7.18.1.5.	Information to be shown on plans	Waiver of requirement that plans show existing vegetation, (i.e. lawn, cultivated herbaceous and woody plant areas, uncultivated field, scrub and woodland areas and woody plants larger than 1" diameter proposed to be removed).	Waiver from local regulation requirements.

WAIVERS FROM THE TOWN OF FRANKLIN CONSERVATION COMMISSION REGULATIONS CHAPTER 271			
CHAIRMAN: POWERS AND DUTIES 271-6.C(3)	Waiver requested for the project to be subject solely to the Massachusetts Wetlands Protection Act (WPA) and regulations thereunder.	Waiver granted allowing the project to be subject solely to the WPA and regulations thereunder.	Waiver from local Conservation Commission Regulations. Pproject will comply with MA Wetlands Protection Act.
Vote Requirements 271-9.D.	Waiver requested to conduct separate hearings under the Town Wetland Protection Bylaw, Chapter 181, shall require a vote	Waiver granted allowing voting requirements solely to the WPA and regulations thereunder.	Waiver from local Conservation Commission Regulations. Pproject will comply with MA Wetlands Protection Act.
Vote Requirements 271-9. H,I,K,L & M.	Motions under or per the Town Wetland Protection Bylaw, Chapter 181.	Waiver granted allowing voting requirements solely to the WPA and regulations thereunder.	Waiver from local Conservation Commission Regulations. Pproject will comply with MA Wetlands Protection Act.
Definition of key terms in Town Wetland Protection Bylaw 271-13	Definitions of terms under the Bylaw.	Waiver granted from local Bylaw definitions and requirements to the extent these vary from the WPA and regulations thereunder.	Waiver from local Conservation Commission Regulations. Pproject will comply with MA Wetlands Protection Act.
WAIVERS FROM TOWN OF FRANKLIN SUBDIVISION OF LAND REGULATIONS FOR 444 EAST CENTRAL STREET			
Section 300-6 Plan believed not to require approval	Waiver requested to allow the Zoning Board of Appeals, not the Planning Board, to determine whether the plan does not require approval and endorse the plan.	Waiver granted allow the Zoning Board of Appeals, not the Planning Board, to determine whether the plan does not require approval and endorse the Approval Not Required ("ANR") Plan submitted to the 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.

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). Applicant retains right to revise and submit revised Waiver Requests prior to vote of Decision.