

Waiver Requests as of October 29, 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
1a.	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.
2a.	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...A certification to the Commissioner of Buildings from the Department of Public Works, Water Department and Fire Department shall be required.	Waiver granted to allow more than one principal building regardless of if the lot area requirements and use are met for each building without counting any lot area twice. A certification to the Commissioner of Buildings from the Department of Public Works, Water Department and Fire Department shall not be required.	Waiver granted to allow more than one principal building without necessarily meeting Planning Board rules and regulations required for separate lots, lot area requirements or use for each building. Proposed buildings include four multifamily buildings, a clubhouse, six garages, and a pergola.

3a.	Section 185-13 Attachment 9 – Schedule of Lot, Area, Frontage, Yard and Height Requirements	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 average grade to top of roof for each respective building. Assumes non-liveable exclusions listed in § 185-13 may be above said height as zoning allows.	Based on flat roofs as proposed. Three, four-story buildings proposed that would require the waiver.
4a.	Section 185-13 Attachment 9 – Schedule of Lot, Area, Frontage, Yard and Height Requirements	Minimum side yard setback of 30'.	Waiver granted to allow a minimum side yard setback of less than 30'.	A waiver is granted to allow Building #1 to be constructed with a setback of 20'+/-.

SECTION 185 ATTACHMENT 9 - ZONING TABLE

Commercial II Zoning District			
Description	Required	Proposed	Status
Lot Area(sf)	40,000	635,135	Complies
Continuous Frontage (ft)	175	207	Complies
Lot Depth (ft)	200	983	Complies
Lot Width (ft)	157.5	206	Complies
Front Yard(ft)	40	450	Complies
Side Yard(ft)	30	20	Waiver Requested
Rear Yard(ft)	30	90	Complies
Height (stories)	3	4	Waiver Requested
Height (ft)	40	50	Waiver Requested
Impervious Coverage of Upland of Structures (%)	70	19	Complies
Impervious Coverage of Upland of Structures Plus Paving (%)	80	53	Complies

5a.	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.	Waiver granted to allow buildings and parking lots within 35 horizontal feet of a stream.	A waiver is granted to allow buildings and parking areas within 35 horizontal feet of a stream. Closest building is 18 feet +/- from stream and closest parking area is 40 feet +/- from stream.
-----	--	--	---	--

6a.	185-19.B.(2) – Accessory Building and Structures	No accessory building or structure shall be located in any side yard area nearer to the side lot line than 10 feet in any zoning district.	Waiver granted to allow accessory buildings and structures to be constructed within 10 feet of the side lot line.	A waiver is granted to allow two garages to be built with an 8-foot setback to the side lot line
7a.	185-19.B.(4) – Accessory Building and Structures	No accessory building or structures shall be less than a distance equal to the common building height to common grade to any rear or side lot line.	Waiver granted to allow accessory buildings and structures to be constructed within distance equal to the common building height to common grade to any rear or side lot line.	A waiver is granted to allow two garages to be built with an 8-foot setback to the side lot line
8a.	185-19.B.(5) – Accessory Building and Structures	No accessory buildings or structures of any size shall be closer than 10 feet to any principal building, or other accessory building or structure.	Waiver granted to allow accessory buildings and structures to be constructed within 10 feet of each other.	A waiver is granted to allow garages and retaining walls to be constructed within 10' of each other. Additionally, any other objects that are considered to be "structures" other than the five primary buildings, shall be allowed to be built as shown on the approved site plans. (Definition of structure is vague in bylaw)
9a.	Section 185-20.C.(4)(c)[1] – Signs	Properties within the IOPD and CBCD that are directly abutting or facing a residentially zoned district, shall have all signs reduced in size by 50%.	Waiver granted allowing the monument sign area to be up to 50 square feet.	A waiver is granted to allow a full-size sign although property abuts a residential zoned district at the rear of site. The sign will be in the front of the site as located on plans, Sheet C-102B.
10a.	Section 185-20.H – 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 of monument sign as shown on Plans prior to the issuance of a sign permit. No separate signage permit required.	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.
11a.	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.

12a.	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 parking table on Layout and Materials Plan Sheet C-102A in plan set entitled Revised Comprehensive Permit Plans dated 10/29/25. Portion of parking spaces are less than 8’ & 8.5’ wide. All standard parking stalls are 18’ in length and compact stalls are 16’ in length.
13a.	Section 185-23.A.2.d – Earth Removal Permit	Earth removal in excess of 1,000 cubic yards in any areas as noted in Subsection A(2)(a)[1], [2] and [3] above shall require a special permit by the Board of Appeals. In addition, earth removal in excess of 1,000 cubic yards within the same industrial subdivision requiring hauling on public roads within the subdivision shall not require a special permit and shall be permitted, subject to the applicant providing a performance guaranty satisfactory to, and in an amount determined by, the Board of Appeals. Any earth removal outside of the boundaries of the industrial subdivision shall require a special permit by the Board of Appeals.	Waiver granted to allow earth removal in excess of 1,000 cubic yards be removed outside of the property incidental to the construction of the multifamily housing without a special permit from the Board of Appeals.	The earth removal would be approved as part of the comprehensive permit.
14a.	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.

<p>15a.</p>	<p>Section 185-40.D.1.i – Impervious Coverage</p>	<p>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</p>	<p>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.</p>	<p>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.</p>
<p>16a.</p>	<p>Section 185-40.E.4 – Drainage</p>	<p>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</p>	<p>Waiver granted to allow subsurface infiltration without the approval of the building inspector.</p>	<p>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.</p>

		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.		
--	--	--	--	--

WAIVERS FROM THE TOWN OF FRANKLIN STORMWATER MANAGEMENT BYLAW CHAPTER 153

1b.	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.
2b.	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.
3b.	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.

CONSERVATION COMMISSION AND WETLANDS RELATED WAIVERS

WAIVERS FROM THE TOWN OF FRANKLIN WETLANDS PROTECTION BYLAW CHAPTER 181

1c.	Franklin Wetlands Protection Bylaw Chapter 181-1 Purpose.	Additional functions, characteristics, standards and procedures under bylaw.	Waiver granted from application of additional standards and procedures listed in local bylaw.	Proposed work to comply with requirements of MA Wetlands Protection Act.
2c.	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.
3c.	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 to result in an expansion of impervious/impacted area within Riverfront Area.

WAIVERS FROM THE TOWN OF FRANKLIN WETLANDS PROTECTION REGULATIONS

4c.	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.
5c.	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.
6c.	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.
7c.	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.
8c.	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.

9c.	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.
10c.	Franklin Wetlands Protection Bylaw Regulations 7.11.1 & 7.11.2	Not to follow certain instructions which are specific to local regulations relating to the submittal of a mitigation plan and are not applicable/required in MA WPA. In 7.11.1: Narrative to describe the application of "avoid, minimize, and mitigate calculus" and, in 7.11.2: A separate narrative required that may include items from the Franklin Best Development Practices Guidebook	Waiver granted to not follow certain local instructions related to the submittal of a mitigation plan for wetland/buffer zone impacts.	Mitigation plan required for compliance with MA Wetlands Protection Act has been provided.
11c.	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 - Wetland filling up to 5,000 square feet - Structures proposed within the 50-foot buffer zone resource area 	Waiver from local regulation requirements for Alternatives Analysis. Alternatives Analysis for work in Riverfront Area has been included in Notice of Intent.

12c.	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.
13c.	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.
14c.	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, un-cultivated 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				
15c.	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. Project will comply with MA Wetlands Protection Act.
16c.	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. Project will comply with MA Wetlands Protection Act.
17c.	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. Project will comply with MA Wetlands Protection Act.

18c.	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. Project will comply with MA Wetlands Protection Act.
-------------	--	---------------------------------------	--	---

WAIVERS FROM TOWN OF FRANKLIN SUBDIVISION OF LAND REGULATIONS FOR 444 EAST CENTRAL STREET

1d.	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.
------------	--	--	--	--

WAIVER FROM TOWN OF FRANKLIN OFFICAL HOME RULE CHARTER

1e.	Art. 2, §2-4-1, Art. 2, §2-6-4, "Acceptance of Gift"	Waiver requested to allow the Zoning Board of Appeals to approve the donation of land located along the southern perimeter of the property as shown on the ANR Plan which shall be conservation/open space land as a potential addition to the Town Forest. An Acceptance of Gift Resolution, or any further action by or granted by the Town Council shall not be required to gift/convey/deed land to Town. Applicant to follow applicable state-laws.	Waiver granted to allow the Zoning Board of Appeals to approve all aspects of the land conveyance to the Town as a part of this Comprehensive Permit and no further approvals, votes, actions or Resolutions by the Town, including the Town Council, is required. Land to be conveyed to Town is Parcel B (+/- 1.56 ac.) as shown on the Approval Not Required Plan dated 8/25/25.	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 Decision.