

## 5.a.ix List of Requested Exemptions (and Zoning Summary Table)

The list below identifies the required waivers necessary from applicable local bylaws and regulations, based on the preliminary plans submitted herewith. This list is subject to modification based on the advancement of project design and permitting. In addition, the applicant hereby requests that all other applicable exceptions from, and permits under, all bylaws, codes, ordinances, regulations and local requirements of the Town of Franklin be granted pursuant to this application, so that the project can be built in accordance with the submitted plans.

Bylaw Section	Description	Waiver Request
<b>Franklin Zoning Bylaw Franklin Code Chapter 185</b>		
Section 185-7: Attachment 7 Use Regulations Schedule Part VI	Multifamily or Apartment is not an allowed use in the Industrial District	Request waiver to allow Multifamily or Apartment in the Industrial District
Section 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	Waiver to the extent needed from this section to allow the development as shown on the site plans.
Section 185-13: Attachment 9 Schedule of Lot, Area, Frontage, Yard and Height Regulations	Maximum Building Height of 3 stories. 60 feet may be permitted by Special Permit from the Planning Board	Waiver to allow 5 stories and up to 68 feet
Section 185-19.B(1) Accessory Building and Structures	No accessory building or structure shall be located within a required front yard setback. Lots having frontage on any street will maintain the front yard setback from all street frontage.	Waiver for retaining walls within Front Yard Setback.

Section 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 for retaining walls within 10 feet of side lot line.
Section 185-19.B(3) Accessory Building and Structures	No accessory building or structure shall be located in any rear yard area nearer to the rear lot line than 10 feet.	Waiver for retaining walls within 10 feet of rear lot line.
Section 185-21.B.(3) Parking Loading and Driveway Requirements	2 spaces per dwelling unit (Regardless of the number of bedrooms)	Waiver to allow 1.74 spaces per dwelling unit including parking for the clubhouse as shown. (total spaces = 574)
Section 185-31 Site Plan and Design Review	Site Plan and Design Review Required	Waiver from Site Plan Review and Design Review requirements. Zoning Board of Appeals is the review and approval board.
Section 185-20.B(3)(c) Attachment 10 Sign Regulations	Schedule of Permitted Signs per District	Waiver requested to construct the sign as shown on the plans
Section 185-20.C(2) Sign Permits	Permit required from Building Commissioner and Approval from the Design Review Commission.	Waiver to allow signage to be approved as part of the Building Permit.
Section 185-20.C(4)(c)[1] Sign Dimensions	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 to not require a 50% reduction in size
Section 185-20.H Sign Approvals	Design Review Commission Sign Approvals	Waiver from Design Review Commission Approval
Section 185-30 Tree Planting	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	Waiver requested to the extent required in order to approve the landscaping as shown.

Other Town of Franklin Chapters		
Chapter 131 Public Way Access Permits	Permit from Town Administrator	Waiver from local Permit requirements
Chapter 155 Streets and Sdwls Excav in Public Way	Permit from DPW	Waiver from the local Permit requirements.
Chapter 179 Water, Water Extension	Water Distribution System permit from DPW	Waiver from the local Permit requirements.
Chapter 263 Water	Water System Approval – Section 263-4 Restriction on Issuance of Building Permit	Waiver from the local requirements.
Section 181-7.15	Required the submission of a Construction Sequence and Schedule	Waiver from the Local Regulation requirements.

The Applicant also requests waivers from otherwise applicable building permit and water and sewer fees, as to the affordable units.

## Zoning Table

Zoning Table: Industrial Zone			
Description	Required	Proposed	Status
Lot Area	40,000 sf	1,368,634 sf	Complies
Frontage	175 ft	1,203 ft	Complies
Lot Depth	200 ft	954+/- ft	Complies
Lot Width	157 ft	990 +/- ft	Complies
Front Yard	40 ft	60 ft	Complies
Side Yard	30 ft	>30 ft	Complies
Rear Yard	30 ft	125 ft	Complies
Height	3 Stories	5 Stories	Waiver Request
Max Impervious of Upland	70% Structures 80% Total	14% 45%	Complies
Parking	660 spaces (2 spaces/unit)	574 +/- spaces (1.74 spaces/unit)	Waiver Request
Parking (for clubhouse)	N/A	17 spaces (inc. in the 574)	Waiver request for parking as shown

The following waivers are requested from the Stormwater Management Bylaw Chapter 153, the referenced Subdivision and Land Management Regulations Chapter 300-11, Chapter 181 Wetlands Protection Bylaw, Chapter 271 Conservation Commission Bylaws and the Conservation Commission Regulations:

<b>Franklin Stormwater Management Bylaw Chapter 153</b>		
<b>Bylaw Section</b>	<b>Description</b>	<b>Waiver Request</b>
Section 153-3 Applicability	No person shall perform any activity that results in a land disturbance activity of an acre or more of land without an approved soil erosion and sediment control plan and stormwater management plan	Waiver from the local Bylaw for local approvals/permit.
Section 153-7 Inspections; submission of final plans	DPW Inspection requirements and DPW approved Plans to be kept on-site. As-built plan submittal	Waiver from DPW Inspections and DPW approved plans. Waiver from requirement for as-built plan submittal.
Section 153-8 Project Changes	Notification of Project Changes and submittal of amended plans for approval	Waiver from this requirement.
Section 153-9 Fees	Payment of Review Fees	Waiver from this requirement.
Section 153-10 Surety	Posting a Surety	Waiver from this requirement.
Section 153-12 & 14 Soil Erosion & Sediment Control Plan	Submitted to the Department of Public Works (DPW)	Waiver from submittal requirement to DPW. A Soil Erosion and Sediment Control Plan will be prepared.
Section 153-15 & 17 Stormwater Management Plan	A Stormwater Management Plan shall be prepared by a licensed civil engineer and submitted to the Department of Public Works for review	Waiver from submittal requirement to DPW. A Stormwater Management Plan will be prepared.
Section 153-15.A(9) Groundwater	Groundwater levels at the time of probable high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration.	Waiver from groundwater determination between November and April. Groundwater determinations were completed between October 24 and October 27.

Section 153-16.A Standards	Control of stormwater runoff shall meet all federal and state requirements, including the Massachusetts Stormwater Handbook, the requirements of the Town of Franklin's Subdivision of Land Stormwater Management Regulations, the most recent Town of Franklin MS4 stormwater permit, and the Town of Franklin's Best Development Practices Guidebook.	Waiver from compliance with portions of the Town of Franklin's Subdivision of Land Stormwater Management Regulations and the Town of Franklin's Best Development Practices Guidebook.
Section 153-32.E Stormwater Utility Fee	The stormwater utility fee is to be assessed to each developed parcel in Town whether the property is occupied or not. The fee shall be calculated on an annual basis and billed to the record title owner of the property.	Waiver from payment of the Stormwater Utility Fee

## Franklin Subdivision of Land Stormwater Management Regulations Chapter 300-11

Bylaw Section	Description	Waiver Request
Section 300.11.A.(1) Control of Stormwater	Control of stormwater runoff shall meet all federal and state requirements, including the Massachusetts Stormwater Management Standards, the requirements of Chapter 153, Stormwater Management of the Town of Franklin's Town Code, and the Town of Franklin's Best Development Practices Guidebook.	Waiver from compliance with the requirements of Chapter 153, Stormwater Management of the Town of Franklin's Town Code, and the Town of Franklin's Best Development Practices Guidebook.
Section 300.11.B(2)(a) Piping	The drainage pipe shall be reinforced concrete, with bell and spigot gasketed joints.	Waiver from this requirement. The drainage pipes will be concrete except for the subsurface detention and infiltration systems which will be plastic chambers or

		pipes, or corrugated metal pipe.
Section 300.11.B(2)(a) Piping	The minimum cover is 42 inches above the top of the pipe.	Waiver from this requirement
Section 300.11.B(2)(c)	At each outfall of a drain line, a Type B winged headwall of reinforced concrete shall be constructed	Waiver from this requirement
Section 300.11.B(3)(b)	Flat-topped structures are not allowed, unless with written authority of the Department of Public Works Director	Waiver from this requirement
Section 300.11.B(3)(d)	Drain manholes shall have a four-inch-thick concrete base. At least one row of blocks shall be set on the base to allow the construction of a brick table within the manhole. Arched inverts of 1/2 the pipe diameter shall be sloped upward to the sides of the manhole. The tops of the main drain lines entering and leaving a manhole shall be matched	Waiver from these requirements. Structures to all be per industry standards.
Section 300.11.B(3)(g)	Catch basin and drain manhole frames shall be at least 265 pounds and shall be of North American manufacture. Covers or grates shall be no less than 210 pounds, in accordance with the Standard Specifications and shall be of North American manufacture	Waiver from these requirements. Structures to all be per industry standards.

<b>Franklin Chapter 181 Wetlands Protection Bylaw</b>		
Bylaw/Regulation Section	Description	Waiver Request (Pursuant to issuance of Comprehensive Permit under MGL c.40B by ZBA)
Section 181-1 Purpose.	Additional functions, characteristics, standards, and procedures listed under the Bylaw.	General waiver from application of additional standards and procedures of local Bylaw to the Project; Project subject solely to the requirements of the Massachusetts Wetlands Protection Act and Regulations (MGL c. 131, s. 40 and 310 CMR 10.00) thereunder.
Section 181-2 Jurisdiction.	Permit under more expansive jurisdiction under the local Bylaw required from Conservation Commission.	Waiver from local Bylaw jurisdiction; Project to be subject solely to Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 181-3 Presumption of Significance.	May require a strip of continuous, undisturbed vegetative cover within 100 feet or 200 feet of resource areas.	Waiver from local Bylaw if buffer strip were to be required.
Section 181-4 Definitions.	Definitions of terms under the Bylaw.	Waiver from additional or more onerous local Bylaw definitions; Project subject solely to definitions established by the Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 181-5.A.(1) Applications for permits;	No activities shall commence without receiving and complying with a permit issued pursuant to the local Bylaw.	Waiver from local Bylaw permit requirements; Project to be subject solely to Massachusetts Wetlands Protection Act and Regulations Filing Fees.
Section 181-5.C. Filing Fee.	Local filing fee requirements.	Waiver from local Bylaw filing fee requirements; Project to be subject solely to filing fee requirements for a

		Comprehensive Permit and those required by Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 181-8. Permits & Conditions.	Local permit and conditions requirements under the Bylaw.	Waiver from authority of local Bylaw permit and conditions requirements; Project to be subject solely to Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 181-12 Burden of Proof.	Local requirements to show no adverse effect on local functions and characteristics subject to the Bylaw.	Waiver from authority and local Bylaw requirements; Project to be subject solely to Massachusetts Wetlands Protection Act and Regulations thereunder.
<b>Franklin Chapter 271 – Conservation Commission Bylaws</b>		
Section 271-6.C(3) Chairman: Powers and Duties	Administering the Town Wetland Protection Bylaw, Chapter 181.	Waiver from local Bylaw requirements. The Project to be subject solely to the Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 271-9.D. Vote Requirements	A motion to conduct separate hearings under the Town Wetland Protection Bylaw, Chapter 181, shall require a vote	Waiver from local Bylaw requirements. Voting requirements relating to the Project to be subject solely to the Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 271-9. H, I, J, K, L & M. Vote Requirements	Motions under or per the Town Wetland Protection Bylaw, Chapter 181.	Waiver from local Bylaw requirements. Voting requirements relating to the Project to be subject solely to the Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 271-13. Definition of key terms in Town Wetland Protection Bylaw	Definitions of terms under the Bylaw.	Waiver from local Bylaw definitions and requirements, to the extent these vary from those applicable to the Project per the Massachusetts



		Wetlands Protection Act and Regulations thereunder.
<b>Town of Franklin Conservation Commission Regulations</b>		
Town of Franklin Conservation Commission Regulations	Compliance with Franklin Conservation Commission Regulations	Waiver from compliance with Franklin Conservation Commission Regulations. Project to be subject solely to Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 1. Definition of Key Terms	Definitions of terms under the Franklin Conservation Commission Regulations.	Waiver from local Franklin Conservation Commission Regulations definitions, to the extent these vary from those applicable to the Project per the Massachusetts Wetlands Protection Act and Regulations thereunder
Section 2. Performance Standards	Performance Standards under the Franklin Conservation Commission Regulations	Waiver from compliance with the Performance Standards; Project to be subject solely to the performance standards set forth in the Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 4.1. Buffer Zone Preamble	Franklin considers 100 feet from a defined/delineated resource area as the buffer zone and consequently an additional protected resource.	Waiver of the local buffer zone requirements; Project to be subject solely to the resource areas established in the Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 4.2.1 0 to 25 Foot Buffer Zone Resource Area.	No work/disturbance including grading activities is allowed within the 0-25 foot buffer zone resource area.	Waiver to allow work associated with the Project within 0-25 foot buffer zone resource area.
Section 4.3.1 25 to 50 Foot Buffer Zone Resource Area.	No structures including but not limited to, concrete, stone, or other impervious foundations and/or slabs for construction purposes that for all intents and purposes would significantly increase runoff withing 25-50 foot	Waiver to allow concrete, stone, pavement, and other impervious surfaces such as foundations, slabs, buildings and the like, stormwater management system components, lawns, gardens, and other low impact uses

	buffer zone resource area are allowed. Alteration in the 25-50 foot buffer zone resource area is limited to grading, tree clearing.	associated with the Project within the 25-50 foot buffer zone resource area, in addition to tree clearing and grading.
Section 4.4.1 50 to 100 Foot Buffer Zone Resource Area.	The Commission may require additional mitigation offsets when the slope within the 50-100 foot buffer zone resource area is steeper than 10%. Additionally, mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100 foot buffer zone resource areas is proposed to be impervious surface.	Waiver from requirement for additional mitigation offsets under this section to allow for the Project.
Section 7.4.4 Local Filing Fee	Local Filing Fee worksheet and check	Waiver from this requirement; Project to be subject solely to filing fee requirements for a Comprehensive Permit and those required by Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 7.9 Project Narrative	The Commission requires a Narrative to describe the project in and its impacts on the local requirements.	Waiver from this requirement. Project impacts are described in the Comprehensive Permit application and in the NOI as required by Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 7.10.1 Functions & Characteristics Statement	The Commission requires a statement that describes whether the project will have an adverse effect on several functions and characteristics.	Wavier from this requirement for the local functions and characteristics (i.e., erosion and sedimentation, water quality, water pollution control, agriculture, and recreation). Project impacts are described in the Comprehensive Permit application and in the NOI as required by Massachusetts

		Wetlands Protection Act and Regulations thereunder.
Section 7.11.2 Mitigation Plan	The Commission requires a narrative describing measures to avoid the local Buffer Zone Resource Area.	Waiver from this requirement. Project impacts and measures at avoidance are described in the Comprehensive Permit application and in the NOI as required by Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 7.13.1 Alternatives Analysis	Alternatives analysis for structures proposed within 50 foot buffer zone	Waiver from this requirement; Project to be subject solely to requirements of the Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 7.14 Replication Plan and Protocol	Local wetland replication requirements.	Waiver from these requirements; Project to be subject solely to the requirements of the Massachusetts Wetlands Protection Act and Regulations thereunder.
Section 7.18.1.5 Information to be shown on the plans	Existing vegetation, including turf lawn areas, cultivated herbaceous and woody plant areas, uncultivated field, scrub and woodland areas and woody plants larger than 1” diameter at the base proposed to be removed.	Waiver from these requirements. The limits of wooded and open field areas are shown on the plans included with the Comprehensive Permit filing and NOI.

End of 5.a.ix.