

## 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

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:

Franklin Stormwater Management Bylaw Chapter 153		
Bylaw Section	Description	Waiver Request
Section 153-9 Fees	Payment of Review Fees	Waiver from this requirement as the project has paid peer review fees under both ZBA and Conservation Commission reviews.
Section 153-10 Surety	Posting a Surety	Waiver requested.
Section 153-15.A(9) Groundwater	Groundwater levels measured (November to April) in areas to be used for stormwater retention, detention, or infiltration.	Waiver from groundwater determination between November and April. Groundwater determination used soil analysis which is current standard practice.

<b>Franklin Subdivision of Land Stormwater Management Regulations</b> <b>Chapter 300-11</b>		
Bylaw Section	Description	Waiver Request
Section 300.11.B(2)(a) Piping	The drainage pipe shall be reinforced concrete, with bell and spigot gasketed joints.	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 or otherwise as shown on the final approved plans.
Section 300.11.B(2)(a) Piping	The minimum cover is 42 inches above the top of the pipe.	Applicant will comply with MassDOT standards of minimum cover 18" for standard Class II RCP and minimum 6" cover for heavy duty Class IV RCP.
Section 300.11.B(2)(c)	At each outfall of a drain line, a Type B winged headwall of reinforced concrete shall be constructed	Majority of the outfalls are at the face of retaining walls, which for all practical purposes, is equivalent to a headwall. Where pipes are not flush with a retaining wall, outfalls have gently sloping embankments that accommodate a flared-end section. (Furthermore, peer reviewers have not commented that headwalls would be more appropriate)
Section 300.11.B(3)(b)	Flat-topped structures are not allowed, unless with written authority of the Department of Public Works Director	Closely related to the minimum cover over pipes, the project will comply with industry standards and implement flat top slabs, H20 loading, where necessary.
Section 300.11.B(3)(d)	Drain manholes, 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 requested such that the arched invert for drain manholes be constructed out of cement concrete rather than blocks.

<b>Franklin Chapter 181 Wetlands Protection Bylaw</b>		
<b>Bylaw/Regulation Section</b>	<b>Description</b>	<b>Waiver Request</b>
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. This section defines the resource area as inclusive of areas that do not border surface waters, i.e. the Isolated Vegetated Wetland (IVW) discussed in the application to the Conservation Commission.
<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 (WPA) 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 solely to the WPA 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 subject solely to

		the WPA 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 the WPA and Regulations thereunder.
<b>Town of Franklin Conservation Commission Regulations</b>		
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 WPA and Regulations thereunder.
Section 4.1.2 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 proposed improvement as shown on the plans. The entire 0-25 foot buffer zone is approximately 190,000 sf. Approximately 66,000 sf of work is proposed in the 0-25 foot buffer zone (35%). Of this, approximately 44,000 sf is temporary disturbance that will return to natural environment. The remaining 22,000 sf is the sum of approximately 12,000 sf of disturbance associated with the steam crossings and IVW (6%) and approximately 10,000 sf of “development” for the buildings and infrastructure in the 0-25 foot zone (5 %). All of this work is entirely permissible under the state regulations.
Section 4.1.3 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	Waiver to allow proposed improvement as shown on the plans. The entire 25-50 foot buffer zone is approximately 173,000 sf. Approximately 125,000 sf of work is proposed in the 25-50

	runoff withing 25-50 foot buffer zone resource area are allowed. Alteration in the 25-50 foot buffer zone resource area is limited to grading, tree clearing.	foot buffer zone (72% of the total). Portions of this area are paving, building and landscaping. This work is entirely permissable under the state regulations.
Section 4.1.4 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. This work is entirely permissable under the state regulations. The proposed program has the benefit of two civil engineering peer reviews that contribute to the final design as being a stable and environmentally sound development.
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 the WPA 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 WPA 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.