

Emerson Homes, 10 High Street, Topsfield MA – List of Requested Waivers

<u>Section</u>	<u>Subject</u>	<u>Requirement</u>	<u>Waiver Requested/Applicability</u>
<u>Topsfield Zoning By-Law</u>			
3.01	Applicability of use regulations	“Except as provided in the Zoning Act or in this By-Law, no building, structure, or land shall be used except for the purposes permitted in the district and as described in the section. Any use not listed shall be construed as prohibited.”	A waiver is sought for this section to authorize the principal use of the Property for multifamily residential use (44 units) with associated parking, signage, building/site management, and other development as shown on Project plans.
3.01, 3.04 (including table of use regulations)	Use regulations	Establishing permitted by right, special permit, forbidden, and “not applicable” uses. Multi-family dwelling = Not Permitted Use in the CR zoning district	A waiver is sought for this section to authorize the principal use of the Property for multifamily residential use (44 units) with associated parking, signage, building/site management, and other development as shown on Project plans.
3.13	Parking	Regulations applicable to off-street parking requirements.	A waiver is sought for this section in its entirety. Instead, the project, including the approval of all parking design, number of spaces, dimensions, locations, setbacks, screening/landscaping, topography, lighting, and layout as shown on the attached site plans, will be permitted pursuant to the Chapter 40B Comprehensive Permit for this Project.

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4.01, 4.02 (including table of dimensional and density regulations)	Dimensional Regulations	<p>These sections impose the following requirements in the C-R zoning district for any permitted use:</p> <table border="0"> <thead> <tr> <th><u>Dimension</u></th> <th><u>Requirement</u></th> </tr> </thead> <tbody> <tr> <td>Lot Area</td> <td>20,000 sq. ft.</td> </tr> <tr> <td>Frontage</td> <td>100'</td> </tr> <tr> <td>Lot Depth</td> <td>120'</td> </tr> <tr> <td>Front Yard Setback</td> <td>20'</td> </tr> <tr> <td>Side Yard Setbacks</td> <td>10'</td> </tr> <tr> <td>Rear Yard Setback</td> <td>30'</td> </tr> <tr> <td>Height</td> <td>35'</td> </tr> <tr> <td>Stories</td> <td>2.5</td> </tr> <tr> <td>Max. Bldg. Area</td> <td>40%</td> </tr> <tr> <td>Min. Open Area</td> <td>40%</td> </tr> </tbody> </table>	<u>Dimension</u>	<u>Requirement</u>	Lot Area	20,000 sq. ft.	Frontage	100'	Lot Depth	120'	Front Yard Setback	20'	Side Yard Setbacks	10'	Rear Yard Setback	30'	Height	35'	Stories	2.5	Max. Bldg. Area	40%	Min. Open Area	40%	<p>Dimensional metrics of the Project are as specified below.</p> <table border="0"> <thead> <tr> <th><u>Dimension</u></th> <th><u>Provided[‡]</u></th> </tr> </thead> <tbody> <tr> <td>Lot Area</td> <td>543,663 sq. ft.</td> </tr> <tr> <td>Frontage</td> <td>106.4'</td> </tr> <tr> <td>Lot Depth</td> <td>802+/-</td> </tr> <tr> <td>Front Yard Setback</td> <td>430.9'</td> </tr> <tr> <td>Side Yard Setbacks</td> <td>48.6' (or greater)</td> </tr> <tr> <td>Rear Yard Setback</td> <td>127.6'</td> </tr> <tr> <td>Height</td> <td>32.0'</td> </tr> <tr> <td>Stories</td> <td>2</td> </tr> <tr> <td>Bldg. Area:</td> <td>3.8%</td> </tr> <tr> <td>Open Area</td> <td>88.6%</td> </tr> </tbody> </table> <p>[‡] NB: Setbacks and coverage/area calculations refer to the proposed building, but this waiver encompasses all construction deemed to constitute a “building” or “structure”.</p>	<u>Dimension</u>	<u>Provided[‡]</u>	Lot Area	543,663 sq. ft.	Frontage	106.4'	Lot Depth	802+/-	Front Yard Setback	430.9'	Side Yard Setbacks	48.6' (or greater)	Rear Yard Setback	127.6'	Height	32.0'	Stories	2	Bldg. Area:	3.8%	Open Area	88.6%
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4.12	Parking	Regulations applicable to off-street parking requirements.	A waiver is sought for this section in its entirety. Instead, the approval of all parking design, number of spaces, dimensions, locations, setbacks, screening/landscaping, topography, lighting, and layout as shown on the attached site plans, will be permitted pursuant to the Chapter 40B Comprehensive Permit for this Project.																																												

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5.01	Enforcement	Enforcement of the Bylaw and issuance of building permits and occupancy certificates, etc.	A waiver is sought for this section solely with respect to enforcement of the provisions of the Zoning Bylaw for which waivers have been requested. Building permits, occupancy certificates, etc. shall be issued pursuant to the Chapter 40B Comprehensive Permit for the Project and the State Building Code.
5.02(A)(6)	Permit granting authorities	Procedures relating to applications to the ZBA	A waiver is sought for this section to the extent it imposes procedural requirements that exceed the requirements of M.G.L. c. 40B and 760 CMR 56.00, including notice requirements.
7.01	Site preparation	No building permit shall be issued for any structure that requires the excavation of sod, soil, sand, gravel, stone, or any other like materials in an amount in excess of one hundred twenty (120) percent of the foundation of said structure. Where a variance from the above has been granted by the Permit Granting Authority, the excavation and removal of said material shall be subject to the provisions of the Topsfield Soil Removal By-Law.	A waiver is sought for this section in its entirety. Instead, all site preparation subject to this section, including all excavation as shown on the Project plans, shall be approved as part of the Comprehensive Permit for the Project.
Article IX (all sections), including guidelines set forth at Appendix ZA:1 (all sections)	Site plan review	Regulations applicable to the approval of site plans for construction of any building and establishment of new uses (except as exempted per Section 9.04)	A waiver is sought for these sections and the associated guidelines in their entirety, including any/all procedural and filing requirements, technical specifications, performance standards, and standards of review applicable to the site plan review process. Instead, Project site plans will be reviewed and approved as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00 and any/all applicable state, federal, and unwaived local laws and regulations.

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<p>Article XIII (all sections), including Permit Granting Authority's Rules & Regulations for Sign Regulations</p>	<p>Signs</p>	<p>Regulations pertaining to the design, location, and size of signs; requiring a special permit and/or sign permit from the Topsfield Select Board (f/k/a Board of Selectmen) and/or Inspector of Buildings.</p>	<p>A waiver is sought for these sections in their entirety. Instead, Project signage will be approved under this Bylaw as part of the Comprehensive Permit for this Project. Said signage will be limited to building-mounted signage to identify building locations, site directional and advisory signage, traffic signage, and an externally illuminated monument sign at the site entrance (25 square feet maximum sign board area; 8' maximum sign height).</p>

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<u>Town of Topsfield – The Topsfield Town Code</u>			
Chapter 63, Section 63-6	Affordable housing tax agreements	Local eligibility rules pertaining to the approval of tax abatement agreements for affordable housing developments.	A waiver is sought for this section to the extent it varies from or exceeds the affordability requirements of M.G.L. c. 40B and 760 CMR 56.00. Instead, it is requested that the Comprehensive Permit for the Project include a finding that the Project is eligible for the negotiation and formation of any tax abatement agreement pursuant to these sections (if any) if the Project complies with the affordability requirements of M.G.L. c. 40B and 760 CMR 56.00, subject to action of the Topsfield Select Board and/or Topsfield Town Meeting.
Chapter 153 (all sections) and Topsfield Historical Commission Rules, Regulations, & Procedures and Design Guidelines	Historic District	Local rules and regulations applicable to buildings located in the Topsfield Historic District.	A waiver is sought from this Bylaw in its entirety, including without limitation any/all procedural and filing requirements, technical and design specifications, performance standards, and standards of review applicable to the Topsfield Historic District. Instead, all building construction and design, fencing, landscaping, and other site work and improvements associated with the Project shall be approved under this Bylaw as part of the Comprehensive Permit for this Project as shown on Project plans.

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Chapter 203 (All Sections)	Soil Removal	Local regulations pertaining to soil removal; requiring a soil removal permit from the Soil Removal Board	A waiver is sought for these sections in their entirety, including any/all procedural and filing requirements, technical specifications, performance standards, and standards of review applicable to the soil removal permit review process. Instead, any/all soil removal subject to this Chapter will be reviewed and approved under this Bylaw as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00 and any/all applicable state, federal, and unwaived local laws and regulations.
Chapter 220 (All Sections), including Stormwater and Erosion Control Regulations of the Planning Board	Stormwater Management and Erosion Control	Local regulations pertaining to stormwater management and erosion control; requiring a stormwater management permit from the Planning Board	A waiver is sought for these sections in their entirety, including any/all procedural and filing requirements, technical specifications, performance standards, and standards of review applicable to activities subject to these sections. Instead, any/all activities subject to this Chapter will be reviewed and approved under this Bylaw as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00 and any/all applicable state, federal, and unwaived local laws and regulations – including, without limitation, the State Stormwater Management Standards, as will be applied by the Topsfield Conservation Commission pursuant to its review of the Project under the Wetlands Protection Act, 310 CMR 10.

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Chapter 250 (All Sections), including Rules and Regulations of the Topsfield Conservation Commission	Wetlands	Local regulations pertaining to wetlands; requiring a local wetlands permit from the Topsfield Conservation Commission	A waiver is sought for these sections in their entirety, including any/all procedural and filing requirements, technical specifications, performance standards, designation of resource areas, and standards of review applicable to activities subject to these sections. Instead, any/all activities subject to this Chapter will be reviewed and approved under this Bylaw as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00 and any/all applicable state, federal, and unwaived local laws and regulations – including, without limitation, the Wetlands Protection Act, 310 CMR 10, as will be applied by the Topsfield Conservation Commission pursuant to its review of the Project under said Act.
Chapter 325 (All sections)	Historic District Rules and Regulations	Local rules and regulations applicable to buildings located in the Topsfield Historic District.	A waiver is sought from these Rules and Regulations in their entirety, including without limitation any/all procedural and filing requirements, technical and design specifications, performance standards, and standards of review applicable to the Topsfield Historic District. Instead, all building construction and design, fencing, landscaping, and other site work and improvements associated with the Project shall be approved under these Rules and Regulations as part of the Comprehensive Permit for this Project as shown on Project plans.

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Chapter 359 (all sections)	Sign Regulations	Regulations pertaining to the design, location, and size of signs; requiring a special permit and/or sign permit from the Topsfield Select Board (f/k/a Board of Selectmen) and/or Inspector of Buildings.	A waiver is sought for these Rules and Regulations in their entirety. Instead, Project signage will be approved under these Rules and Regulations as part of the Comprehensive Permit for this Project. Said signage will be limited to building-mounted signage to identify building locations, site directional and advisory signage, traffic signage, and an externally illuminated monument sign at the site entrance (25 square feet maximum sign board area; 8’ maximum sign height).
Chapter 364 (All Sections)	Stormwater Management and Erosion Control	Local regulations pertaining to stormwater management and erosion control; requiring a stormwater management permit from the Planning Board	A waiver is sought for these Rules and Regulations in their entirety, including any/all procedural and filing requirements, technical specifications, performance standards, and standards of review applicable to activities subject to these Rules and Regulations. Instead, any/all activities subject to these Rules and Regulations will be reviewed and approved under these Rules and Regulations as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00 and any/all applicable state, federal, and unwaived local laws and regulations – including, without limitation, the State Stormwater Management Standards, as will be applied by the Topsfield Conservation Commission pursuant to its review of the Project under the Wetlands Protection Act, 310 CMR 10.

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Chapter 368 (All Sections)	Subdivision Control	Local regulations pertaining to subdivisions of land	A waiver is sought for these Regulations to the extent they may be deemed applicable to the Project, whether directly or by reference, notwithstanding the fact that the Project does not propose a subdivision of land. This waiver shall encompass any/all technical, design, construction, and performance standards; filing fees; procedural and filing requirements; and bonding, surety, guarantee requirements.
Chapter 384 (All Sections), including all TCC policy statements	Wetlands	Local regulations pertaining to wetlands; requiring a local wetlands permit from the Topsfield Conservation Commission	A waiver is sought for these Regulations in their entirety, including any/all procedural and filing requirements, technical specifications, performance standards, designation of resource areas, and standards of review applicable to activities subject to these Regulations. Instead, any/all activities subject to these Regulations will be reviewed and approved under these Regulations as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00 and any/all applicable state, federal, and unwaived local laws and regulations – including, without limitation, the Wetlands Protection Act, 310 CMR 10, as will be applied by the Topsfield Conservation Commission pursuant to its review of the Project under said Act.
Chapter 392 (All Sections)	Zoning Board of Appeals Procedures	Local procedures of the Topsfield Zoning Board of Appeals	A waiver is sought for these Regulations to the extent their requirements differ from and/or impose requirements that exceed the requirements of M.G.L. c. 40B and 760 CMR 56.00.