

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

<u>Bylaw/Section(s)</u>	<u>Subject(s)</u>	<u>Requirement(s)</u>	<u>Waiver(s) Requested/Applicability</u>
<u>Topsfield Zoning By-Law</u>			
Article III § 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.
Article III §§ 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.
Article III § 3.13	Parking	Prohibiting parking for a “direct or indirect charge” except during the Essex Agricultural Fair. Requiring a special permit for more than 20 automobiles.	Waiver requested to allow the renting of Project parking spaces to be unbundled from unit rents. The special permit required by this Section for parking of more than 20 automobiles will be approved as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00.
Article IV §§ 4.01, 4.02 (including table of dimensional and density regulations)	Dimensional Regulations	Dimensional requirements in the C-R zoning district for any permitted use.	[Deleted]

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Article IV § 4.12 Subsections: (C)(4) (C)(6) (C)(9)	Parking	Regulations applicable to off-street parking requirements for the following uses: office, place of assembly, and uses accessory to residential uses.	A waiver is sought for these subsections solely to the extent they are applicable to the Project's proposed common spaces (including office spaces, common areas that may be used for assembly, laundry, parcel/mail room, and/or such other accessory uses as shown on Project plans.
Article V § 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.
Article V § 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.
Article VII § 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.

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Article IX §§ 9.05, 9.06, 9.07, 9.08(2)	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)	The Project site plan 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. The Applicant requests waivers from the procedural, filing, and administrative requirements of Sections 9.05, 9.06, and 9.08(2), which are superseded by 760 CMR 56.05(2). Similarly, the standards of review as set forth in Section 9.07 are superseded by 760 CMR 56.07(2)(b)(3).
Article XIII §§ 13.3, 13.4(A), 13.5(A)(2)	Signs	<p>Requiring a special permit from the Topsfield Select Board (f/k/a Board of Selectmen) and sign permit from the Topsfield Inspector of Buildings.</p> <p>Specifying application, review, permit issuance, and appeal procedures, and requiring a public hearing.</p>	<p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this section, and any/all activities subject to this bylaw will be reviewed and the special permit required by this section will be 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.</p> <p>Waiver sought for all administrative, procedural, and filing requirements of this section (including review of Project changes) to the extent they differ from M.G.L. c. 40B and 760 CMR 56.00.</p> <p>Project 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>Topsfield Purchasing & Contracts Bylaw (Topsfield Town Code Ch. 63)</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.
<u>Topsfield Historic District Bylaw (Topsfield Town Code Ch. 153)</u>			
Chapter 153 (all sections)	Historic District	Local rules and regulations applicable to buildings located in the Topsfield Historic District.	<p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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.</p> <p>No waiver of performance standards is requested.</p>

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<u>Topsfield Soil Removal Bylaw (Topsfield Town Code Ch. 203)</u>			
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.
<u>Topsfield Stormwater Management & Erosion Control Bylaw (Topsfield Town Code Ch. 220)</u>			
Chapter 220 § 220-5	Administration of Stormwater Bylaw	Designating the Topsfield Planning Board as the reviewing authority under this bylaw and establishing procedures for such review.	<p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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, including, without limitation, the State Stormwater Management Standards.</p> <p>Waiver sought for all administrative and procedural provisions of this section to the extent they differ from M.G.L. c. 40B and 760 CMR 56.00.</p>

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Chapter 220 § 220-6(A)	Permit requirements of Stormwater Bylaw	Requiring permits under this bylaw for specified activities.	Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit- granting authority under this bylaw, and any/all activities subject to this bylaw 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. Waiver sought for all administrative and procedural provisions of this section to the extent they differ from M.G.L. c. 40B and 760 CMR 56.00.
Chapter 220 § 220-7	Procedures under Stormwater Bylaw	Establishing procedures for review under this bylaw.	Waiver sought for all procedural provisions of this section to the extent they differ from M.G.L. c. 40B and 760 CMR 56.00.
Chapter 220 § 220-8	Enforcement	Enforcement	Waiver sought solely with respect to enforcement of provisions of this bylaw (or its implementing regulations) that are subject to waiver.
<u>Topsfield Wetlands Bylaw (Topsfield Town Code Ch. 250)</u>			
Chapter 250 § 250-2	Conservation Commission Jurisdiction	Establishing the Topsfield Conservation Commission as the permit-granting authority under local wetlands bylaw.	Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit- granting authority under this bylaw, and any/all activities subject to this bylaw 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 – including, without limitation, the Wetlands Protection Act, 310 CMR 10.

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Chapter 250 § 250-2	Definitions	Establishing definitions applicable to resource areas and regulated activities	A waiver is sought for this section to the extent these definitions would result in the creation of requirements that exceed or differs from the requirements of the Wetlands Protection Act, 310 CMR 10.
Chapter 250 § 250-4	Filing Procedures	Filing requirements and procedures under local wetlands bylaw.	A waiver is sought for this section in its entirety to the extent necessary to deem the applicant's Comprehensive Permit application as a complete application under this bylaw.
Chapter 250 § 250-7	Public Hearing	Requirements and procedures for public hearings under local wetlands bylaw.	Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the public hearing required by this section shall be consolidated within the public hearing of the Zoning Board of Appeals as the permit-granting authority under this bylaw.
Chapter 250 § 250-9	Burden of Proof	Burden of proof under local wetlands bylaw. Study & consultant work.	A waiver is sought for this section to the extent it would obligate the applicant to meet a burden of proof with respect to substantive provisions of this bylaw that are subject to waiver. A waiver is sought with respect to the specified study and consultant provisions to the extent they exceed or differ from the requirements of the Wetlands Protection Act, 310 CMR 10.

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Chapter 250 § 250-10	Permits	Issuance or denial of permits	<p>A waiver is sought for this section to the extent it would result in the creation of requirements that exceed or differ from the requirements of the Wetlands Protection Act, 310 CMR 10.</p> <p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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 – including, without limitation, the Wetlands Protection Act, 310 CMR 10.</p>
Chapter 250 § 250-11	Amendment of Permits	Amendment of Permits	<p>A waiver is sought for this section to the extent it would result in the creation of requirements that exceed or differ from the requirements of M.G.L. c. 40B and 760 CMR 56.00, which shall govern amendments to the comprehensive permit for the Project.</p>
Chapter 250 § 250-12	Appeals	Appeals	<p>A waiver is sought for this section to the extent it would result in the creation of requirements that exceed or differ from the requirements of M.G.L. c. 40B and 760 CMR 56.00, which shall govern appeals pertaining to the comprehensive permit for the Project.</p>

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Chapter 250 § 250-17	Security	Security	A waiver is sought for this section to the extent it exceeds or differs from the requirements of the Wetlands Protection Act, 310 CMR 10.
Chapter 250 § 250-18	Enforcement	Enforcement	Waiver sought solely with respect to enforcement of provisions of this bylaw (or its implementing regulations) that are subject to waiver.
<u>Topsfield Historic District Rules & Regulations (Topsfield Town Code Ch. 325)</u>			
Chapter 325 § 325-5	Powers/Duties of Historic Commission	Powers/Duties of Historic Commission.	Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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.
Chapter 325 § 325-6	Certificate of Appropriateness	Certificate of Appropriateness	<p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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.</p> <p>Waiver sought for all administrative and procedural provisions and filing requirements of this section (including review of Project changes) to the extent they differ from M.G.L. c. 40B and 760 CMR 56.00.</p>

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Chapter 325 § 325-7	Approval or denial	Approval or denial of Certificate of Appropriateness	<p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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.</p> <p>Waiver sought for all administrative and procedural provisions of this section to the extent they differ from M.G.L. c. 40B and 760 CMR 56.00.</p>
Chapter 325 § 325-8	Approval of construction drawings	Approval of construction drawings	<p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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.</p>

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Chapter 325 § 325-9	Changes to approved drawings	Changes to approved drawings	<p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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.</p> <p>Waiver sought for all administrative and procedural provisions and filing requirements of this section (including review of Project changes) to the extent they differ from M.G.L. c. 40B and 760 CMR 56.00.</p>
Chapter 325 § 325-10	Appeals	Appeals	<p>A waiver is sought for this section to the extent it would result in the creation of requirements that exceed or differ from the requirements of M.G.L. c. 40B and 760 CMR 56.00, which shall govern appeals pertaining to the comprehensive permit for the Project.</p>

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<u>Topsfield Sign Regulations (Topsfield Town Code Ch. 359)</u>			
Chapter 359 §§ 359-2, 359-3, 359-4, 359-5, 359-6, 359-7	Sign Regulations	<p>Requiring a special permit from the Topsfield Select Board (f/k/a Board of Selectmen) and sign permit from the Topsfield Inspector of Buildings.</p> <p>Specifying application, review, permit issuance, and appeal procedures, and requiring a public hearing.</p>	<p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw will be reviewed and the special permit required by this bylaw will be 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</p> <p>Waiver sought for all administrative and procedural provisions and filing requirements of this section (including review of Project changes) to the extent they differ from M.G.L. c. 40B and 760 CMR 56.00.</p> <p>Project 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>Topsfield Stormwater & Erosion Control Regulations (Topsfield Town Code Ch. 364)</u>			
Chapter 364 § 364-4	Administration of Stormwater Management and Erosion Control Regulations	Designating the Topsfield Planning Board as the reviewing authority under these regulations.	<p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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, including, without limitation, the State Stormwater Management Standards.</p> <p>Waiver sought for all administrative and procedural provisions of this section to the extent they differ from M.G.L. c. 40B and 760 CMR 56.00.</p>
Chapter 364 § 364-5	Applicability of Stormwater Management and Erosion Control Regulations	Requiring permits under these regulations for specified activities.	<p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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, including, without limitation, the State Stormwater Management Standards.</p> <p>Waiver sought for all administrative and procedural provisions of this section to the extent they differ from M.G.L. c. 40B and 760 CMR 56.00.</p>

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Chapter 364 § 364-6	Permits under Stormwater Management and Erosion Control Regulations	Requiring permits under these regulations for specified activities and specifying filing and review procedures.	<p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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, including, without limitation, the State Stormwater Management Standards.</p> <p>Waiver sought for all administrative and procedural provisions of this section to the extent they differ from or exceed the requirements of M.G.L. c. 40B and 760 CMR 56.00 including filing requirements (C), filing fees (E), public hearing and notice requirements (F), plan changes (I), appeals (J).</p> <p>A waiver is requested for subsection L (plan contents) to deem the Project plans, as filed, to be sufficient for review under these Regulations.</p> <p>A waiver is requested for subsection M (O&M plan). Instead, the Project shall comply with O&M requirements as specified in MSWMS and NPDES requirements.</p>
Chapter 364 § 364-8	Surety under Stormwater Management and Erosion Control Regulations	Designating the Topsfield Planning Board as the overseeing authority.	<p>Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the reviewing authority for all matters under this bylaw, including any required surety.</p> <p>A waiver is requested for this section to the extent it exceeds MSWMS and NPDES requirements.</p>

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Chapter 364 §§ 364-9, 364-10, 364-11	Inspections under Stormwater Management and Erosion Control Regulations	Designating the Topsfield Planning Board as the overseeing authority.	Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the reviewing authority for all matters under this bylaw, including any inspections. A waiver is requested for these sections to the extent they exceed MSWMS and NPDES requirements.
<u>Topsfield Subdivision Regulations (Topsfield Town Code Ch. 368)</u>			
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.
<u>Topsfield Wetlands Regulations (Topsfield Town Code Ch. 384)</u>			
Chapter 384, § 384-1	Conservation Commission Jurisdiction	Establishing the Topsfield Conservation Commission as the permit-granting authority under local wetlands bylaw.	Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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 – including, without limitation, the Wetlands Protection Act, 310 CMR 10.

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Chapter 384 § 384-2	Definitions under Wetlands Regulations	Establishing definitions applicable to resource areas and regulated activities	A waiver is sought for this section to the extent the application of these definitions would result in the creation of requirements that exceed or differs from the requirements of the Wetlands Protection Act, 310 CMR 10.
Chapter 384 §§ 384-3(A), 384(B), 384-C, 384-D, 384-E, 384-G	Identification of Resource Areas	Regulations applicable to the identification of resource areas and regulated activities	A waiver is sought for this section to the extent the application of these identification procedures would result in the creation of requirements that exceed or differs from the requirements of the Wetlands Protection Act, 310 CMR 10, including, without limitation, identification of water bodies, land under same, banks associated with same, buffer zones associated with same, and riverfront areas – all of which shall be governed by said Act.
Chapter 384 § 384-4	Performance Standards	Performance standards applicable to the identification of resource areas and regulated activities	<p>A waiver is sought for subsections (C)(2) (wildlife habitat evaluation) to the extent it exceeds or differs from the requirements of the Wetlands Protection Act, 310 CMR 10.</p> <p>With respect to subsection (E)(1), the Applicant requests a waiver only insofar as this subsection applies to buffer zones to wetlands resources that are jurisdictional under the Topsfield Wetlands Bylaw but not the Wetlands Protection Act; with respect to buffer zones to wetlands resources that are jurisdictional under both the local bylaw and the Act, the Applicant requests a finding by the Board that the presumption of adverse impact has been rebutted by the Project application materials as filed.</p> <p>Waiver of subsection (E)(2)(c) is requested to authorize activities in buffer zone setback areas.</p>

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Chapter 384 § 384-4	Waiver of Performance Standards	Waivers	Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under these regulations, and any/all requests for waivers as specified herein 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 – including, without limitation, the Wetlands Protection Act, 310 CMR 10.
Chapter 384 § 384-4(K)(5)	Erosion Control	All soils stored at the construction site for greater than 24 hours shall be covered by a waterproof tarpaulin or equivalent rainwater protection.	A waiver is sought for this section to authorize Project erosion control measures per a SWPPP prepared in accordance with NPDES/MSWMS requirements without need for waterproof tarpaulin, as specified. Such measures will include specific stockpile locations, means and methods to address silt and erosion through approved methods such as additional erosion control lines, monitoring, reporting and temporary seeding if necessary to avoid large areas of plastic that will not effectively address the situation properly.

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Chapter 384 §§ 384-5, 384-6, 384-7, 384-8, 384-9, 384-10, 384-11, 384-14, 384-15, 384-16, 384-24, 384-25, 384-26, 384-27, 384-28, 384-29	Procedures	Administrative procedures under local wetlands regulations.	Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under this bylaw, and any/all activities subject to this bylaw 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 – including, without limitation, the Wetlands Protection Act, 310 CMR 10. Waiver sought for all administrative and procedural provisions of these sections to the extent they differ from M.G.L. c. 40B and 760 CMR 56.00.
Chapter 384 § 384-17	Freshwater wetlands boundary delineation methodology	Freshwater wetlands boundary delineation methodology	A waiver is sought for this section to the extent it exceeds or differs from the requirements of the Wetlands Protection Act, 310 CMR 10 with respect to wetlands delineation.
Chapter 384, § 384-21	Conservation Commission Jurisdiction	Establishing the Topsfield Conservation Commission as the reviewing authority for stormwater management under the local wetlands regulations.	Pursuant to M.G.L. c. 40B and 760 CMR 56.00, the Zoning Board of Appeals shall be the permit-granting authority under these regulations, and any/all activities subject thereto 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 – including, without limitation, the Wetlands Protection Act, 310 CMR 10.

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

<u>Bylaw/Section(s)</u>	<u>Subject(s)</u>	<u>Requirement(s)</u>	<u>Waiver(s) Requested/Applicability</u>
Chapter 384, § 384-23(B)	Infiltration of stormwater from buildings	Building structures shall have drip trenches or other means of infiltration.	Waiver of this Section is requested to authorize all roof area runoff to be collected via roof drains and piped to the detention basin as shown on Project plans and not allowed to drop at the foundation edge. Drip trenches are not necessary under this proposal.
Chapter 384, § 384-23(H)	Mitigation of work	Work performed, including any structure such as a roadway, driveway or any other structure, in a buffer zone or riverfront area shall be mitigated, at a ratio of at least 1:1, with implementation of low-impact development techniques outside of these resource areas on the property.	A waiver is sought for this section to the extent it exceeds or differs from the requirements of the Wetlands Protection Act, 310 CMR 10.
<u>Topsfield Zoning Board of Appeals Procedures (Topsfield Town Code Ch. 392)</u>			
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.
<u>Other Local Rules & Regulations</u>			
Topsfield Conservation Commission Policy 2017-1	Tree Removal	Policy requirements pertaining to removal of trees, replacement of new native trees, and statement of “No Net Loss of Trees” local policy	Waiver requested to authorize the removal of trees within the Project’s limit of work and the planting of new trees all as shown on Project plans.

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

<u>Bylaw/Section(s)</u>	<u>Subject(s)</u>	<u>Requirement(s)</u>	<u>Waiver(s) Requested/Applicability</u>
Topsfield Historical Commission Guidelines	Topsfield Historical Commission Guidelines	Prohibiting aluminum and synthetic siding or materials (p.1).	Waiver requested to authorize synthetic exterior siding and materials.
		Requiring front steps to be granite or wood (p.2).	Waiver requested to authorize front steps to be concrete.
		Prohibiting aluminum and synthetic fencing (p.3).	Waiver requested to authorize aluminum and vinyl fencing.
		Prohibiting chain link, stockade, and wire fencing (p. 3).	Waiver requested to authorize chain link fencing.
		Provisions relating to solar panels (p. 6).	Waiver requested to authorize solar panels as shown on Project plans.
		Prohibiting aluminum and vinyl clad windows (p.7).	Waiver requested to authorize aluminum and vinyl clad windows.