

LIST OF WAIVERS

PERKINS LANDING, LLC

As required under 760 CMR 56.05(2)(h), the following is a list of Waivers to “Local Requirements and Regulations,” including waivers from The Topsfield Town Code, Updated Through June 20, 2020, as amended (“General Bylaw”), the Zoning Bylaw for the Town of Topsfield, Massachusetts, with amendments through June 20, 2020 as amended (Zoning Bylaw), The Planning Board Rules and Regulations Governing The Subdivision of Land In The Town Of Topsfield, Massachusetts, as most recently amended through April 7, 2009, as amended, and other Local Requirements and Regulations as defined under Section 56.02 of the Chapter 40B Regulations, including all local legislative, regulatory, or other actions which are more restrictive than state requirements, if any, including local zoning and wetlands ordinances, subdivision and board of health rules, and other local bylaws, codes, and regulations, in each case which are in effect on the date of the Project’s application to the Board. In addition to the following list of requested Waivers listed below, the Applicant requests an exception from each and every provision or requirement of all Local Requirements and Regulations issued by a “Local Board” (defined under the Chapter 40B Regulations as meaning any local board or official, including, but not limited to any board of survey; board of health; planning board; conservation commission; historical commission; water, sewer, or other commission or district; fire, police, traffic, or other department; building inspector or similar official or board; board of selectmen, as well as all boards, regardless of their geographical jurisdiction or their source of authority [that is, including boards created by special acts of the legislature or by other legislative action] if such local board perform functions usually performed by locally created boards) with which any aspect of its Comprehensive Permit Application, including but not limited to its proposed site development plans and any other information hereinafter submitted to the Board, is inconsistent.

****Note that pursuant to 760 CMR 56.00 (the “Chapter 40B Rules”) specifically described under 760 CMR 56.05(7), “Zoning waivers are required solely from the “as-of-right” requirements of the zoning district where the project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district.” Accordingly, any waivers which reference special permit requirements are included only for illustration purposes.**

**** Note, the applicant will update this list of waivers as necessary during the hearing and approval process.**

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ZONING BYLAW OF THE TOWN OF TOPSFIELD, MASSACHUSETTS, WITH AMENDMENTS THROUGH JUNE 20, 2020, AS AMENDED (the ZONING BYLAW)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article I	Preamble and Article 1 - Definitions	Various Definitions	Defines “LOT” as “An area of land in one ownership with definite boundaries, used, or available for use, as a site for one or more buildings.	Waived. Lot is as depicted on Site Plans. Intention is create a condominium for the development
Article II	Establishment and Description of Districts	Classes of Districts: The Town of Topsfield is hereby divided into seven (7) Districts and four (4) overlay districts	The Inner Residential and Agricultural District shall comprise all the land remaining outside the Business District Highway, Business District Village, Business District Highway North, Business Park District, and Central Residential and Outlying Residential and Agricultural Districts.	Waived. To be governed by the Comprehensive Permit Decision.
Article III	Use Regulations	Limitations on Permitted uses	The permitted uses of buildings, structures or land are set forth in the Table of Use Regulations included as an attachment to this Bylaw. One family dwellings are allowed by right. Two family dwelling and Multifamily dwellings are not allowed. The parking of more than 20 automobiles on a single lot at any one time in such period, except to the extent already in use, shall require a Special Permit from the Zoning Board of Appeals.	Waived. Permitted uses are as described in the Comprehensive Permit Decision. Allow for a total of 40 townhouse style multifamily ownership units, along with related customary residential accessory uses, utilities, parking more than 20 cars on the lot and other appurtenant uses customary to the above-referenced uses including those uses allowed within an IRA Zoning District under the Zoning Bylaw, all as shown on the Site Plans.

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article IV	Dimensional and Density Regulations	Applicability dimensional and density regulations	The regulations for each district pertaining to minimum lot area, minimum lot frontage, minimum lot depth, minimum front yard depth, minimum side yard depth, minimum rear yard depth, maximum number of stories, maximum building area, and minimum open space shall be specified in this section and set forth in the Table of Dimensional and Density Regulations and subject to the further provisions of this By-Law.	Waived. To be governed by the Comprehensive Permit Decision, and to allow proposed Project uses in conformity with all dimensional, parking and other requirements of the Zoning Bylaw as modified by the approved Waivers described in this Comprehensive Permit Decision..
Article IV	Dimensional and Density Regulations	Table of Dimensional and Density Regulations	Min Lot Frontage – 200 Min Lot depth - 150 Max. Height (feet) – 35 Permitted Height (storied) – 2 ½ Max Building Area – 25% Min Open Space – 50%	Waived. Dimensional and density requirements shall be as depicted on the Site Plans.
Article V	Administration and Enforcement	Enforcement of Bylaw	Whenever the regulations made under the authority hereof differ from those prescribed by any law, statute, ordinance, Bylaw or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.	Waived to extent any Local Requirements are waived which are more stringent. To be governed by the Comprehensive Permit Decision.
Article VI	Flood Pain District	Restrictions Within the defined Floodplain District	Restrictions on structures and uses within defined Floodplain District.	Waived, if applicable

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article VII	Special Regulations	Special Regulations	<p>Section 7.01 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.</p> <p>Section 7.02 Within an approved subdivision soil, sod, sand, gravel, and any other like material may be moved within said subdivision for the sole purpose of constructing ways, septic systems, and laying utility lines. The removal of sand, sod, stone, gravel, and any other like material from a subdivision shall be in compliance with the Topsfield Soil Removal By-Law.</p>	Waived. To be governed by the Comprehensive Permit Decision.
Article VIII	Ipswich River Protection District	Regulations applied to permitted uses in Ipswich River Protection District	Restrictions of uses in Ipswich River Protection District	Waived. To be governed by the Comprehensive Permit Decision.

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article IX	Site Plan Review	Site Plan Review	No permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Granting Authority. Site Plan Review shall also be required for the resumption of any use discontinued or not used for more than two (2) years, or for the expansion of any existing use. "Expansion" shall include a floor space increase of twenty-five (25) percent or more within any ten (10) year period, or the introduction of new materials or processes not previously associated with the existing use. Required approval includes proposals for commercial, industrial, office, multiple-dwelling residential developments, municipal, institutional, utility, fraternal or recreational purposes.	Waived. To be governed by the Comprehensive Permit Decision.
Article XI	Groundwater Protection District	Regulations applied to permitted uses in Groundwater Protection District	Activities or uses within the Groundwater Protection District (GPD) shall be limited to those permitted in the district as well as the underlying zoning district. Uses that are prohibited in the underlying zoning district are not permitted in the GPD.	Waived. To be governed by the Comprehensive Permit Decision.

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Article XIII	Sign regulations	Restrictions on Sign Regulations	Permit form the Board of Selectman to render decision on application for special permits for a sign.	Waived to allow for one (1) permanent subdivision, or Project, signs at the entrance, which is no greater than 32 square feet in size, nor greater than five (5) feet in height, to be located and as depicted on the Site Plans. Also to allow which is no greater than 32 square feet identifying the parties involved and the nature of the construction project, on the premises where the construction is located, and to be installed no more than 14 days before construction commences and must be removed 14 days after any portion of any structure is occupied or after any portion of the last structure in a multiple-building construction project is occupied. To also allow for street signs within the development.

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THE TOPSFIELD TOWN CODE (UPDATED THROUGH JUNE 20, 2020), AS AMENDED (GENERAL BYLAWS)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Chapter XXVI	Demolition Delay Bylaw	Conditions or Prohibits Demolition of Buildings	Application to Building Inspector for demolition Permit and permit required by Historic Commission for the demolition of building.	Waived. To be governed by the Comprehensive Permit Decision.
Chapter XLIX	Soil Removal Bylaw	Conditions or Prohibits Removal of Soil	Permit to Remove Required. The removal of sod, loam, soil, sand, gravel, or stone (herein referred to as material) from any land in Topsfield not in public use is hereby prohibited except as allowed by issuance of a permit under the provisions of this By-Law.	Waived. To be governed by the Comprehensive Permit Decision.
Chapter LI	Stormwater Management & Erosion Control Bylaw	Regulation of stormwater runoff quantity and quality from construction site/alteration	Permit required by Planning Board for the Regulation of stormwater runoff quantity and quality from construction site/alteration.	Waived. To be governed by the Comprehensive Permit Decision. the proposed project will be designed in conformance with the Massachusetts Stormwater Handbook and Stormwater Standards and will obtain an Order of Conditions.
Chapter LV	Topsfield Scenic Road By-Law	Regulation of alterations of improvements along a designated scenic road.	Permit required from Planning Board for alterations of improvements along a designated scenic road.	Waived. To be governed by the Comprehensive Permit Decision.
Chapter LVIII	Water Supply Betterment By-Laws	Regulation of water supply	Permit required from Board of Water Commissioners to regulate water supply.	Waived if applicable. To be governed by the Comprehensive Permit Decision.
Chapter LXII	General Wetlands Bylaw	Local Wetland Protection Bylaw and Regulations and Fees	Procedures, jurisdictional requirements, applications, fees, costs, regulations, policies and enforcement	Waived in their entirety. To be governed by State Wetlands Protection Act and Regulations at 310 CMR 10.00.

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TOWN OF TOPSFIELD LOCAL REGULATIONS AND POLICIES, AS AMENDED				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Chapter R. 10	Regulations for Topsfield General Wetland ByLaws	Local Wetland Protection Bylaw and Regulations and Fees	Procedures, jurisdictional requirements, applications, fees, costs, regulations, policies and enforcement	Waived in their entirety. To be governed by State Wetlands Protection Act and Regulations at 310 CMR 10.00.
TCC Policy #2005- 1B	Soil testing in Buffer Zone and/or Riverfront	Regulation of soil testing	Permit from Conservation Commission	Waived. To be governed by the Comprehensive Permit Decision.
TCC Policy#2017-1	Topsfield Conservation Commission tree Removal Policy	Regulation of tree Removal	Permit from Conservation Commission	Waived. To be governed by the Comprehensive Permit Decision.
R:1-2.1 Supplemental Regulation to 310 CMR 15.00 The State Environmental Code, Title 5	Topsfield Board of Health Regulation	Septic System Regulation	Minimum Requirements for Disposal of Sanitary Sewage in Unsewered Areas	Waived. To be governed by the Comprehensive Permit Decision.
Topsfield Rules and Regulations Governing The Subdivision of Land Sections 1-6	Topsfield Rules and Regulations Governing The Subdivision of Land	Rules and Regulations Governing The Subdivision of Land	Permits require by Planning Board the Subdivision of Land	Waived. To be governed by the Comprehensive Permit Decision.