

**LIST OF REQUESTED WAIVERS  
FROM APPLICABLE TOWN OF SOUTHBOROUGH BYLAWS AND REGULATIONS  
Comprehensive Permit – 120 Turnpike Road, Southborough**

**ZONING BYLAW WAIVERS**

**Property: 120 Turnpike Road,  
Southborough, MA (Parcel ID  
M/B/L: 37-120-4-0)**

**Zoning Districts: Highway Business;  
Residence A**

	<u>Section Reference</u>	<u>Substance of Section</u>	<u>Request Waiver</u>
1.	<p>§ 174-6, Applicability.</p> <p>§ 174-7, Conflict of classifications.</p> <p>§ 174-8, Schedule of Use Regulations.</p> <p>§ 174-8.2, RA Residence A District.</p> <p>§ 174-8.2.B(9), RA Residence A District Use, Uses by Special Permit.</p> <p>§ 174-8.5, BH Highway Business District.</p> <p>§ 174-8.9, WFP Wetland and Flood-plain District.*</p> <p>§ 174-8.10, CR Critical Resource District.*</p> <p><i>See below #10 for waivers sought from dimensional and development requirements set forth in §§ 174-8.2(D.) and 174-8.5(E.) applicable</i></p>	<p>Multi-family Residential Uses are prohibited in the RA Residence A District and the BH Highway Business District.</p> <p>Construction of multi-family residential dwellings are prohibited in the RA Residence A District and the BH Highway Business District.</p> <p>Prohibited Uses. All Uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.</p> <p>Where an activity may be classified under more than one use listed in the Schedule of Use regulations, the more specific classification shall apply, and if equally specific, the more restrictive classification shall govern.</p> <p>Uses referenced in the cited sections requiring a Special Permit. Restrictions and limitations on the number of principal uses and structures allowed on one lot.</p> <p>*It is unclear whether the Property is included in the CR</p>	<p>Waiver is sought from the Sections referenced, to the extent the proposed development shown on the Plans is not in compliance with these provisions of the Zoning Bylaw.</p> <p>The Applicant seeks waiver of the referenced provisions, without limitation, and seeks zoning relief to allow construction of 60 apartment units, for rent, multi-family housing, and waiver is sought from the cited Zoning Bylaw sections in order to allow the proposed multi-family development as shown on the Plans as may be amended and superseded.</p>

	to the RA and BH Districts.	and WFP Districts based on the Southborough Zoning Map. Reference is made to the extent it is so located.	
2.	§ 174-9, Special Permit Requirements.	Multi-family Residential Uses are limited to Elderly housing and are otherwise prohibited.	Waiver is sought from this Section to the extent the proposed development shown on the Plans is not in compliance with this section. The Applicant seeks waiver of the referenced provisions, without limitation, and seeks zoning relief to allow construction of 60 units of apartment style, rental multi-family housing, and exception is sought from the cited Zoning Bylaw prohibition to allow the proposed Multi- family Development as shown on the Plans as may be amended and superseded.
3.	§ 174-10, Site Plan Approval.	Under the Zoning Bylaw, Site Plan Review is applicable for any change in use.  Major Plan Review Provisions requiring Site Plan Approval and review for any new development or expansion in use which adds 2,000 square feet or more of floor area or which requires 20 or more parking spaces.	Waiver sought from entire Section to the extent the proposed development shown on the Plans is not in compliance with the provisions of the Zoning Bylaw.
4.	§ 174-11, Signs.	Generally.	Waiver sought from this entire section to the extent the proposed development shown on the Plans is not in compliance with the provisions of the Zoning Bylaw. Further, waiver is requested to allow the development's sign to be illuminated daily after 10 p.m.
5.	§ 174-12, Parking and Loading Regulations.  § 174-12.C(2), Dimensional	Generally; Surfacing, Dimensional Requirements; Parking Requirements, Egress.  Required Parking Space Dimensions: 9 ½' x 18'.	Waiver sought from the entirety of this Section to the extent the proposed development shown on the Plans is not in compliance with these provisions of the Zoning Bylaw.

	<p>Requirements, Parking.</p> <p>§ 174-12.E(1), Parking Requirements, Dwellings.</p> <p>§ 174-12.1, Outdoor Illumination.</p>	<p>Requirement: 2 parking spaces for each 1- or 2-bedroom unit, and 3 parking spaces for each 3-bedroom unit.</p> <p>Generally.</p>	<p>The Applicant seeks waiver of the referenced provisions, without limitation, and seeks zoning relief to allow construction of 60 units of apartment style, rental multi-family housing providing for 112 parking spaces (1.87:1 ratio) where 126 are required and applicable outdoor illumination requirements as sited with attention to pole heights, fixture mounting heights, lumen limits and other applicable restrictions and exception is sought from the cited Zoning Bylaw prohibitions accordingly and with respect to surfacing, dimensional requirements and egress to allow the proposed Multi-family Development as shown on the Plans as may be amended and superseded.</p> <p>Waiver is sought from required parking spaces dimensions at: 9' x 18'.</p>
6.	§ 174-13, Landscaping.	Generally.	<p>Waiver is sought from this entire Section to the extent the proposed development shown on the Plans is not in compliance.</p> <p>Specifically, without limitation, waiver is sought to allow for reduced number of trees and shrubs in lieu of the 40' tree spacing and 3' shrub spacing, and elimination of the requirement of tree planting within 60' of every parking space.</p>
7.	§ 174-13.2, Major Residential Development.	Requires a Special Permit from the Planning Board and an Application to the Southborough Housing Opportunity Partnership Committee, or by Subdivision of the Property in accordance with applicable Southborough laws and regulations subject to recommendations of the Board of Health and the Planning Board's	Waiver sought from this entire section to the extent the proposed development shown on the Plans is not in compliance and to the extent such Major Residential Development regulations are more restrictive than those prescribed in M.G.L. c. 40B §§ 21-23 and 760 CMR 56.00.

		<p>regulations relative to subdivision of land for construction of eight or more dwelling units, and subject further to the use regulations prescribed in § 174-8, Schedule of Use Regulations.</p> <p>Affordable Housing Requirements require 12.5% of units in a Major Residential Development be perpetually restricted and in no case for less than 50 years.</p>	<p>The Applicant seeks waiver of the referenced provisions, without limitation, and seeks zoning relief to allow construction of 60 units of apartment style, rental multi-family housing, and exception is sought from the cited Zoning Bylaw prohibitions accordingly to allow the proposed Multifamily Development as shown on the Plans as may be amended and superseded.</p>
8.	§ 174-13.3, Lower Impact Development.	Generally.	<p>Waiver sought from this entire section to the extent the proposed development shown on the Plans is not in compliance with this section of the Zoning Bylaw, and to the extent such Lower Impact Development regulations are more restrictive than those prescribed in M.G.L. c. 40B §§ 21-23 and 760 CMR 56.00 and other applicable state and federal law.</p>
9.	§ 174-13.5, Stormwater and Erosion Control.	Generally.	<p>Waiver sought from this entire section to the extent the proposed development shown on the Plans is not in compliance with this section of the Zoning Bylaw and to the extent such Stormwater and Erosion Control regulations are more restrictive than those prescribed in M.G.L. c. 40B §§ 21-23 and 760 CMR 56.00 and other applicable state and federal law including, without limitation, those prescribed by the Massachusetts Department of Environmental Protection and The Massachusetts Stormwater Management Handbook.</p>
10.	Article IV, Dimensional Regulations. §§ 174-14, Compliance Required; 174-15,	No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this section, unless otherwise	<p>The Applicant seeks waiver of the referenced provisions and sections, without limitation, and seeks zoning relief to allow the proposed Multi-family Development as shown on Plans,</p>

	<p>Applicability; 174 17, Previously Recorded Lots.</p> <p><i>See also § 174-8.2(D.) and § 174-8.5(E.), Development Standards regarding specific Dimensional Requirements applicable to the proposed development depicted in the Plans.</i></p>	<p>provided in the Zoning Bylaw or by statute.</p> <p>RA Residence A District          -Minimum frontage: 150'          -Minimum Setbacks:          Front – 35 ft          Rear: 50 ft          Side: 25 ft          Other Street: 35 ft          -Maximum Height – 35 ft; 2 ½ stories          -Maximum Floor Area Ratio: 0.18</p> <p>BH Highway Business District          -Minimum Lot Area- 43,560 sf          -Minimum frontage: 200 ft          -Minimum setbacks:          Front: 50 ft, 75 if on Route 9          Rear: 50 ft          Side: 50 ft          Other street: 25'; 37.5' if on Route 9          -Maximum height: 45', 3 stories          -Maximum floor area ratio 0.60</p>	<p>as may be amended and superseded, with 112 parking spaces serving 60 units (ratio 1.87:1) contained within the referenced parcels.</p> <p>Applicable Waivers sought:          -Proposed Setbacks              Rear: 30 ft provided          - Height – 44.5 feet, 4 stories          - Floor Area Ratio: 0.25          - Frontage – 0' (driveway easement to Route 9 / Turnpike Road)</p> <p>Applicable Waivers sought:          -Proposed Setbacks              Rear: 30 ft provided          - Height – 44.5 feet, 4 stories          - Floor Area Ratio: 0.25          - Frontage – 0' (driveway easement to Route 9 / Turnpike Road)</p>
11.	Zoning Bylaw Generally.	Any and all provisions contained in the Zoning Bylaw which are more restrictive than state requirements which are in effect as of the date hereof and which are not consistent with the development of housing to meet the local and regional Housing Need in the Town of Southborough and MetroWest.	The Applicant seeks waiver of the referenced provisions and sections, without limitation, and seeks zoning relief from the specific and applicable requirements of these provisions and to allow the proposed Multi-family Development as shown on the Plans submitted herewith as may be amended and superseded.

**TOWN OF SOUTHBOROUGH WETLANDS REGULATIONS – CHAPTER 170,**  
**WETLANDS PROTECTION, ADOPTED JANUARY 2, 2002, AS AMENDED, UPDATED**  
**OR REVISED**

1.	Chapter 170, Wetlands Protection.	Any and all provisions contained in the Town of Southborough Wetlands Regulations which are more restrictive than state requirements which are in effect as of the date hereof and which are no consistent with the development of housing to meet the local and regional Housing Need in the Town of Southborough.	<p>To the extent otherwise applicable, waiver is sought from any applicable provision of the referenced Wetlands By-law and to allow the proposed Multi-family Development as shown on the Plans as may be amended and superseded.</p> <p>To the extent any relief under the Town of Southborough Wetlands Regulations would be required for the proposed development as depicted in the Plans as may be amended and superseded, the Zoning Board of Appeals will act instead of the Conservation Commission to grant such applicable and requested waivers, exemptions and relief excepting that relief which may be required under the Massachusetts Wetlands Protection Act.</p> <p>A Comprehensive Permit may provide all local permits and approvals pursuant to M.G.L. c. 40B §§ 21-23 and 760 CMR 56 enabling construction of the proposed Multi-family Development to meet the local and regional Housing Need in the Town of Southborough.</p>

**SOUTHBOROUGH SUBDIVISION REGULATIONS – CHAPTER 244, SUBDIVISION  
OF LAND, ADOPTED AUGUST 18, 1986, UPDATED OR REVISED**

1.	<p>Southborough Subdivision Regulations Regarding the Subdivision of Land Generally.</p> <p>§ 244-3, Plan believed not to require approval.</p> <p>§ 244-4, Plan requiring approval.</p> <p>§ 244-6, Limit on dwelling on a lot.</p> <p>§ 244-8.A-D, Access Agency.</p> <p>§ 244-9.C, Board action on preliminary plan.</p> <p>§ 244-10.D-G, Definitive plan.</p> <p>§ 244-11, Action on definitive plan.</p>	<p>Any and all provisions contained in the Town of Southborough Rules and Regulations Regarding the Subdivision of Land which in effect as of the date hereof and which are NOT consistent with the development of housing to meet the local and regional Housing Need in the Town of Southborough.</p> <p>Plans to be recorded in the registry of deeds that do not require approval, must be endorsed by the Planning Board.</p> <p>Plans requiring approval must be approved by the Planning Board.</p> <p>Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lots in a subdivision, or elsewhere in the Town of Southborough, without the consent of the Planning Board.</p> <p>Generally.</p> <p>The Planning Board may disapprove the preliminary plan, stating specific reasons, or may approve the preliminary plan, with modifications.</p> <p>Generally.</p> <p>Generally.</p>	<p>Waiver is sought from any applicable provision of this Regulation regarding, joining of lots, the regulation of roadways, driveways, passageways or which are otherwise applicable to the instant project and to allow the proposed Multi-family Development as shown on the Plans as may be amended and superseded.</p> <p>To the extent any relief under the Town of Southborough Rules and Regulations Regarding the Subdivision of Land would be required for the proposed development as depicted in the Plans as may be amended and superseded, the Zoning Board of Appeals will act instead of the Planning Board to grant such applicable and requested waivers, exemptions and relief.</p> <p>A Comprehensive Permit may provide all local permits and approvals pursuant to M.G.L. c. 40B §§ 21-23 and 760 CMR 56 enabling construction of the proposed Multi-family Development to meet the local and regional Housing Need in the Town of Southborough.</p>
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§ 244-13, Streets.	Generally.	
§ 244-14.A & B, Open Space.	Generally.	
§ 244-16.A, Lot Drainage.	Lot drainage. Lots shall be prepared and graded in such a manner in accordance with the approved topographic plans that the development of one lot shall not interfere with the proper drainage of other lots and will not cause ponding or flooding.	
§ 224-16.B (2), Drainage System.	Location of street drain and manholes. The main street drain and the manholes centered thereon shall be located five feet from the center line of pavement.	
§ 224-21, Sidewalks.	Generally.	
§ 224-24, Grass plots.	Generally.	
§ 224-24, Shade trees.	Generally.	
Article V, Required Improvements, Construction Standards.	Generally.	
Article III, Plan Submission Approval and Procedure §244-9 (B)(2).	<p>(b) Major existing features of the land, such as walls, fences, large trees, wooded areas, ledge outcrops, major ditches, wetlands and water bodies.</p> <p>(c) All existing structures above and below ground (where known), such as buildings, water mains and other pipelines, polelines, wells and tanks. Water mains within one thousand (1,000) feet shall be indicated.</p>	



	<p>§ 244-Attachment 1, Design Standards for Various Street Classifications.</p>	<p>(d) Profiles of existing grade and approximate proposed finish grades of the roadway, and drain and sewer utilities.</p> <p>Major Residential / Minor Commercial Collector</p> <ul style="list-style-type: none"> <li>• Right-of-Way Width (60')</li> <li>• Min. Centerline Curve Radius (250')</li> <li>• Max. Street Grade (6%)</li> <li>• Pavement (Roadway Width) (38')</li> <li>• Curbing Type, Radius under 50 feet (Granite)</li> <li>• Curbing Type, Radius 50 to 100 feet (Granite)</li> <li>• Curbing Type, Grade Over 6% (Asphalt)</li> <li>• Catch Basin Inlet Type (Granite)</li> <li>• Bit. Sidewalk of 5' Width (2 sides)</li> </ul>	

**TOWN OF SOUTHBOROUGH CHARTER, GENERAL BY-LAWS**

1.	Generally and Charter and General Bylaws.	Any and all provisions contained in the Town of Southborough Charter and General Bylaws which are more restrictive than state requirements which are in effect as of the date hereof and which are no consistent with the development of housing to meet the local and regional Housing Need in the Town of Southborough and MetroWest.	To waive the specific and applicable requirements of these provisions, including, without limitation, any regulations and requirements which are more restrictive than state Building, Public Health and Fire Code requirements and/or from any conditions which may be imposed on the proposed development which require utility, water, wastewater connection fees and inflow and infiltration (I&I) fees which are not required by local bylaw or written regulation and which are not charged, in the normal course, to market rate and non-subsidized housing and to, generally allow the proposed Multi-family Development as shown on the Plans submitted herewith as may be amended and superseded.

**TOWN OF SOUTHBOROUGH COMPREHENSIVE PERMIT REGULATIONS AND GUIDELINES**

1.	Generally.	Any and all provisions contained in the Town of Southborough Comprehensive Permit Regulations and Guidelines which are not inconsistent with state requirements prescribed in G.L. c. 40B, §§ 21-23, and 760 CMR 56.00 et seq. which are in effect as of the date hereof and which are NOT consistent with the development of housing to meet the local and regional Housing Need in the Town of Southborough.	<p>Pursuant to 760 CMR 56.05(1), “The Zoning Board of Appeals shall adopt rules, not inconsistent with M.G.L. c. 40B, §§ 20 through 23, for the conduct of its business ... Such rules shall be consistent with the purpose of M.G.L. c. 40B, §§ 20 through 23 to provide a streamlined permitting process that overcomes regulatory barriers to the development of Low or Moderate Income Housing.”</p> <p>To exempt from and waive the specific and applicable requirements of these provisions, including, without limitation, any regulations and requirements which are not inconsistent with state requirements and to, generally provide for a more streamlined process that overcomes regulatory barriers to allow for the proposed Multi-family Development as shown on the Plans submitted herewith as may be amended and superseded.</p>
2.	<p>§4.0 Filing, Time Limits and Notice.</p> <p>§4.1.2.</p>	A complete financial pro forma, detailing the projected costs and revenues of the proposed project shall be submitted.	<p>760 CMR 56.05(6), “Review of Financial Statements” requires:</p> <p>(a) A Board may request to review the pro forma or other financial statements for a Project only after the following preconditions have been met:</p> <ol style="list-style-type: none"> <li>1. <i>other consultant review has been completed;</i></li> <li>2. <i>the Applicant has had an opportunity to modify its original proposal to address issues raised;</i></li> <li>3. <i>the Board has had an opportunity to propose conditions to mitigate the Project’s impacts and to consider requested Waivers; and</i></li> </ol>

			<p>4. <i>the Applicant has indicated that it does not agree to the proposed condition(s) or Waiver denial(s) because they would render the Project uneconomic. A Board may not conduct review of a pro forma in order to see whether a Project would still be economic if the number of dwelling units were reduced, unless such reduction is justified by a valid health, safety, environmental, design, open space, planning, or other local concern that directly results from the size of a project on a particular site, consistent with 760 CMR 56.07(3).</i></p> <p>The Applicant and the proposed Development and Application is not subject to the financial pro-forma requirement under the Town's Comprehensive Permit Regulations and Guidelines because the prescribed pre-conditions have not yet been met.</p>
3.	<p>§4.0 Filing, Time Limits and Notice.</p> <p>§4.1.3.13.</p>	<p>Plan shall show location and results of soil, percolation and water table tests using the Department of Environmental Protection Soil Evaluation procedures under Title V.</p>	<p>The proposed wastewater treatment facility and associated leach field will be reviewed and approved by the Department of Environmental Protection pursuant to the Massachusetts Ground Water Discharge Permitting Program pursuant to 314 CMR 5.00 <i>et seq.</i></p>
4.	<p>§4.0 Filing, Time Limits and Notice.</p> <p>§4.1.3.16.</p>	<p>The Board may, at its discretion, require that additional information be included in the plans. The Board may engage a Massachusetts-registered Professional Engineer or other professional advisor, experienced in various areas, including such areas as groundwater evaluation,</p>	<p>760 CMR 56.05(5)(b) requires: “A review fee may be imposed only if:</p> <ol style="list-style-type: none"> <li>1. <i>the work of the consultant consists of review of studies prepared on behalf of the Applicant, and not of independent studies on behalf of the Board;</i></li> </ol>

		hydrogeology or hazardous and toxic materials, to review the Application for completeness and correctness with the Applicant required to pay for the cost of the review pursuant to Section 5, "Review Fees".	<p>2. <i>the work is in connection with the Applicant's specific Project; and</i></p> <p>3. all written results and reports are made part of the record before the Board.</p> <p>4. a review fee may only be imposed in compliance with applicable law and the Board's rules."</p> <p>Exemption is sought from the specific and applicable requirements of the Town's Comprehensive Permit Regulations and Guidelines, including, without limitation, any regulations and requirements which are not inconsistent with state requirements and to, generally provide for a more streamlined process that overcomes regulatory barriers to allow for the proposed Multi-family Development as shown on the Plans submitted herewith as may be amended and superseded.</p>

*The requested waivers set forth herein are those of which the Applicant is aware as of **March 15, 2024**. The Applicant will continue to update this list if necessary during the Board's consideration of the application.*