

**LIST OF REQUESTED WAIVERS  
FROM APPLICABLE TOWN OF SOUTHBOROUGH BYLAWS AND REGULATIONS  
Comprehensive Permit – 250 Turnpike Road, Southborough**

**Property:** 250 Turnpike Road,  
Southborough, MA (Parcel ID  
M/B/L: 27-0-46-0)

**Zoning Districts:** Residence A

**Date:** August 1, 2025

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**TOWN OF SOUTHBOROUGH ZONING BYLAWS**

	Regulation Reference	Regulation	Waiver Request and Justification for Granting Waiver
<del>1</del>	§ 174-6, Applicability.	No land in any district shall hereafter be used or occupied and no building or structure shall hereafter be occupied, used or erected or the use of buildings and land altered except as set forth in the following Schedule of Use Regulations or as specifically regulated or provided otherwise under other sections hereof, provided that the accessory uses and buildings not enumerated in the schedule but necessarily or customarily incidental to a principal use, including the signs otherwise allowed, shall be deemed to fall into the same category as such principal use. Streets and easements for public services are a permitted use in all districts, except the Wetland and Floodplain Districts.	The Applicant seeks a waiver from this section as the proposed development will be in the Residence A district, which does not allow multifamily dwellings. The purpose of M.G.L. ch. 40B is to allow the construction of multifamily dwellings where local zoning does not necessarily permit it.
<del>2</del>	§ 174-8, Schedule of Use Regulations.		
	§ 174-8(A)	No building or structure shall be constructed and no building, structure or land or part thereof shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth as permitted in the district in which such building, structure or land is located or set forth as permissible by special permit in said district and so authorized.	The Applicant seeks a waiver from this section as the proposed development will be in the Residence A district, which does not allow multifamily dwellings. The construction of multifamily dwellings is the purpose of M.G.L. ch. 40B.
	§ 174-8(B)	Further, no building shall be constructed and no building, structure or land or any part thereof shall be used and no lot shall be changed in size or shape unless in conformity with the dimensional regulations set forth for each district.	The Applicant seeks a waiver from this section as the proposed development intends to have zoning nonconformities. Zoning nonconformities are expected

			and are routinely accepted as the purpose of M.G.L. ch. 40B is to construct multifamily dwellings in areas where zoning typically would not allow. The proposed development is nonconforming as to rear and side setbacks, but there are other nonconformities throughout the site, which are more specifically detailed in the remainder of this waivers list.
<del>3.</del>	§ 174-8.7, RA Residence A District.		
	§ 174-8.2(C)	Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.	The Applicant seeks a waiver from this section as multifamily dwelling use is not allowed in the Residence A District. Zoning nonconformities are expected and are routinely accepted as the purpose of M.G.L. Ch. 40B is to construct multifamily dwellings in areas where zoning typically would not allow.
	§ 174-8.2(D)	Development standards are as follows:	
	§ 174-8.2(D)(3)(b) § 174-8.2(D)(3)(c) § 174-8.2(D)(5)	Minimum setbacks: Rear: 50 feet. Side: 25 feet.  Maximum floor area ratio: 0.18.	The Applicant seeks a waiver from this section to allow a 24-foot rear setback and a 2-foot side setback. The site consists of 32 townhomes, which have been placed in very specific locations so that the Applicant can utilize the entirety of the site. The locations of the proposed townhomes shall have no adverse effect on neighboring lots.  The Applicant further seeks relief from a maximum floor

			area ratio of 0.18 and proposes a floor are ratio of 0.40.
	<u>§ 174-9.1, Common Driveways.</u>		
	<u>§ 174-9.1(A)</u>	<u>Common driveways serving more than two or more detached single-family dwellings shall not be allowed in any district unless evidence can be presented to the Planning Board that a common driveway would be more beneficial to the Town than a conventional plan.</u>	<u>The Applicant seeks a waiver from this section as they are proposing one shared driveway for 32 units. The Applicant cannot provide more than one access as egress is prohibited to the neighboring street, Parkerville Road, due to a previously agreed to restriction.</u>
<del>5.</del>	§ 174-11, Signs.		
	§ 174-11(C)(2)(d)	No sign may be illuminated between 10:00 p.m. and 6:00 a.m. except signs identifying police or fire stations or businesses open to serve the public on site.	The Applicant seeks a waiver from this section as the Applicant seeks to have the proposed development's sign remain illuminated daily after 10 P.M. The location of the sign related to the proposed development would not disturb any residential abutters and is required for residents, guests and first responders to find the property during dark evening and nighttime hours.
	§ 174-11(E)(1)	The Board of Appeals shall consider requests for special permits in accordance with §§ 174-9, 174-11 and 174-25 of this Zoning Bylaw. The Board of Appeals may grant a special permit for a sign not meeting limitations of sign height, maximum number of signs allowed, illuminations of signs, maximum area of signs allowed and minimum setback; provided, however, that the sign is otherwise in compliance with the provisions of this section.	The Applicant seeks a waiver from this section to the extent a special permit is required for any proposed sign nonconformity. <del>The purpose of M.G.L. ch. 40B is to allow zoning conformities for the purposes of building affordable multifamily housing.</del> <u>Relief for limitations of sign height, maximum number of signs allowed, illuminations of signs, maximum area of signs allowed and minimum setback shall be provided through this comprehensive</u>

			<u>permit process and not a special permit process.-</u>
	<u>§ 174-12, Parking and loading regulations.</u>		
	<u>§ 174-12(C)(2)</u>	<u>Parking. Each parking space shall be at least 9 1/2 feet wide and 18 feet long, exclusive of aisles and maneuvering space; for parking at right angles to a central aisle, the width of the aisle shall not be less than 22 feet, and an equal width shall be provided at each end of a row of parking spaces; for angle or herringbone parking at 45° or 60° and one-way circulation, the width of aisles shall be consistent with the dimensions recommended by the Institute of Transportation Engineers, provided that for parking facilities for more than five cars, the total area shall be not less than 300 square feet times the number of parking spaces. Unobstructed access to and from a street shall be provided and shall not require backing out into a street. Two or more nonresidential uses may share a combined facility, provided that its continued availability is assured and the total number of spaces equals or exceeds the number required by this section. The number of parking spaces required by the Architectural Barriers Board located nearest to and to both sides of the entrance of a building used by the public and/or by employees shall be reserved for the exclusive use of handicapped persons and shall be identified by appropriate signs at each parking space and by the wheelchair symbol painted within each such parking space. Up to 25% of parking spaces dedicated to use by employees or occupants and not by the general public and up to 15% of such spaces for use by customers, visitors or general public may be reduced to not less than 17 feet by eight feet and marked as being reserved for compact cars only.</u>	<u>The Applicant seeks a waiver from this section to the extent a waiver is necessary. The Applicant proposes garage parking spaces in each unit, which conform to dimensional standards. Furthermore, driveway parking spaces have been labeled to reflect at least one vehicle may park in front of each unit.</u>
<u>7.</u>	<u>§ 174-13, Landscaping.</u>		
	<u>§ 174-13(B)(10)</u>	<u>Plantings shall consist of at least one tree per 40 linear feet of planting area length, except one tree per 20 linear feet of street planting</u>	<u>The Applicant seeks a waiver from this section to allow for reduced number of trees and</u>

		area abutting Route 9, and at least one shrub per three feet. Plantings preferably will be grouped, not evenly spaced, and shall be located or trimmed to avoid blocking egress visibility. The planting area shall be unpaved except for access drives and walks essentially perpendicular to the area and shall be located wholly within the lot.	shrubs in lieu of the 40' tree spacing and 3' shrub spacing. The Applicant proposes landscaping in accordance with this section throughout the proposed development. To the extent there are other "planting areas" on the site, the Applicant seeks a waiver from this section.
	§ 174-13(B)(9)	A permanent water supply system, or other acceptable watering method, shall be provided for all planting areas. In order to protect the Town's water supply, and encourage sound landscaping practices, the Town of Southborough recommends sustainable watering systems, such as: rainwater recycling systems, automatic shut-off devices, drought-tolerant native plant material, and careful irrigation scheduling, among others.	The Applicant seeks a waiver from this section to the extent a permanent water supply is required. The Applicant shall use drought-resistant and sun-tolerant plantings to protect the Town's water supply.
	§ 174-13(B)(10)(c)	Invasive plants, as defined by the Massachusetts Invasive Plant Group, are "plants that have spread into native or minimally managed plant systems in Massachusetts. These plants cause economic or environmental harm by developing self sustaining populations and becoming dominant and/or disruptive to those systems." (Under this definition all synonyms, species, subspecies, varieties, forms, and cultivars of that species are included unless proven otherwise by a process of scientific evaluation.) The Town of Southborough encourages the use of native species in all landscaping plans. Please note that many of the invasive species listed below have native counterparts that could be considered.	The Applicant seeks a waiver from this section as to the use of native species. The Applicant proposes plantings that are not native, but better suited for the proposed development.
	§ 174-13(D)	Side and rear line planting area. A landscape buffer strip a minimum of 10 feet in width shall abut all side and rear property lines.	The Applicant seeks a waiver from this section. To the extent there are areas in the proposed development with less than 10-feet of rear and side buffer, the Applicant

		proposes vegetative buffers and screening.
§ 174-13(E)(2)	Required trees shall be located within or adjacent to parking lots as tree islands, medians, and at the end of parking bays, traffic delineators, or between rows of parking spaces in a manner such that no parking space is located more than 60 feet from a tree.	The Applicant seeks a waiver from this section to eliminate the requirement of tree planting within 60' of every parking space. The proposed development will be within a heavily forested area which provides ample screening and buffer from neighbors.
<u>§ 174-13.1, Concept Plans.</u>		
<u>§ 174-13.1(A)</u>	<u>Applicability. Any use which is designated in § 174-8 as being subject to this article requires concept plan approval by Town Meeting prior to being acted upon for special permit approval. Approval shall be by two-thirds' vote of the Town Meeting and may be made with conditions or limitations. Special permits shall then be required and shall be approved by the special permit granting authority only upon determination by that authority that the proposal is consistent with the approved concept plan or, in the event of an inconsistency, that the departure is necessitated by changed conditions or earlier error and that the inconsistency does not result in less beneficial development, based on the considerations of Subsection B below.</u>	<u>The Applicant seeks a waiver from this section as multifamily is a designated use within § 174-8. The purpose of M.G.L. ch. 40B is to streamline multifamily use and the Applicant shall not be subject to concept plan approval by town meeting or a special permit process.</u>
<u>§ 174-13.2. Major residential development.</u>		
<u>§ 174-13.2(A)(1)</u>	<u>Special permit option. Major residential development, that is, the creation of eight or more lots or construction of eight or more dwelling units within an eight-year period from or on a property or set of contiguous properties in common ownership as of January 1, 1986, is allowed either (at the applicant's option):</u> <u>(a) With a special permit from the Planning Board, as indicated in § 174-8, Schedule of Use Regulations, with applicants applying under this section required</u>	<u>The Applicant seeks a waiver from this section as they are proposing the construction of eight or more dwelling units. The Applicant shall not be subject to the approval from another board or a separate permitting process.</u>

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		<p><u>to concurrently file the application with the Southborough Housing Opportunity Partnership Committee (SHOPC); or</u></p> <p><u>(b) By right, commonly referred to as "conventional" development [and without the flexible development option available only with the special permit option in Subsection A(1)(a) above], provided that the plan conforms to the State Subdivision Control Law, to other applicable state and Town laws and regulations, to the recommendations of the Board of Health and to the Planning Board's regulations relative to the subdivision of land,</u></p>	
	<p><u>§ 174-13.3, Lower Impact Development,</u></p> <p><u>§ 174-13.3(C)</u></p>	<p><u>Applicability. This bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Subsection D of this bylaw. After April 10, 2006, the Planning Board shall not approve any application for development or redevelopment if the land or parcels of land were held in common ownership (including ownership by related or jointly controlled persons or entities) and were subdivided or otherwise modified to avoid compliance. A development shall not be segmented or phased in a manner to avoid compliance with this bylaw. A LID special permit shall be required from the Planning Board for the following:</u></p> <p><u>(1) Any activity subject to major plan review (§ 174-10);</u></p> <p><u>(2) Any activity that will result in soil disturbance of one acre or more;</u></p>	<p><u>The Applicant seeks a waiver from this section as they will conduct activity that will result in soil disturbance of one acre or more. The Applicant has underwent an extensive civil and environmental review by the Town's third-party engineering consultant, whom have found stormwater management to be adequate for this project.</u></p>

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		<u>(3) Any residential development or redevelopment of five or more acres of land proposed pursuant to the Subdivision Control Law, MGL c. 41, § 81K to 81GG, inclusive, or proposed under a special permit process pursuant to MGL c. 40A, § 9.</u>	

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

	Regulation Reference	Regulation	Waiver Request and Justification for Granting Waiver
+	Chapter 170, Wetlands Protection.*		
	§ 170-2, Jurisdiction.	Except as permitted by the Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas or within 20 feet of their borders: any freshwater wetland, bordering vegetated wetland, marsh, wet meadow, bog or swamp, any bank, beach, lake, river, pond, stream or any land under said waters, any vernal pool, any land subject to flooding or inundation by groundwater, surface water or storm flowage (collectively, "the resource areas"). Any proposed work which falls within 100 feet (the "buffer zone") of the previously mentioned resource areas must be approved by the Conservation Commission.	The Applicant seeks a waiver from this section as the proposed development will disturb areas within 20 feet of the borders of resource areas and will disturb. Specifically, proposed units 2, 29, 30, 31, and 32 are within the 20-foot no disturb zone. Additional impact to the 20' Buffer Zone will be due to raising the parking lot elevation; the existing paved parking lot and lawn area adjacent to the paved area will be altered and restored back to pre-existing land cover conditions, i.e. paved parking area and lawn. <u>The Applicant is unable to relocate the proposed units out of the 20-foot no disturb zone; however the Applicant proposes a compensatory wetland to mitigate any impact on buffer areas.</u>

*\*Note: The Applicant ~~has filed plans to file a~~ Notice of Intent with the Town's Conservation Commission in relation to this project and intends in complying with the bylaws of Chapter 170, except for that of § 170-2, Jurisdiction.*

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

Section Reference	Section	Waiver Request and Justification for Granting Waiver
Chapter 244, Subdivision of Land.		
<del>+</del> § 244-4, Jurisdiction.	No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement for sale of lots in a subdivision, or the construction of ways, or preparation therefor, or the installation of utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.	<u>The Applicant seeks a waiver from this section to the extent a waiver is necessary.</u> <del>The Applicant seeks a waiver from this section to the extent approval is required by the Planning Board.</del> Under M.G.L. Chapter 40B, the Zoning Board of Appeals has the authority to grant all of the approvals that would otherwise trigger separate applications under local bylaws or ordinances.
<del>2-</del> § 244-6, Limit one dwelling on a lot.	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, without the consent of the Planning Board. Such consent may be conditional upon the provision of adequate ways furnishing access to each such building and adequate improvements in the same manner as otherwise required for lots within a subdivision.	<u>The Applicant seeks a waiver from this section to the extent a waiver is necessary.</u> <del>The Applicant seeks a waiver from this section to the extent consent is required by the Planning Board.</del> Under M.G.L. c. 40B, the Zoning Board of Appeals has the authority to grant all of the approvals that would otherwise trigger separate applications under local bylaws or ordinances.
<u>§ 244-8, Access agency.</u>		
<u>§ 244-8(B)</u>	<u>Standards of adequacy. Streets within a subdivision shall be considered to provide adequate access if and only if complying with the standards established in these regulations. Ways providing access to streets within a subdivision shall normally be considered to provide adequate access only if there is assurance that prior to construction on any lots, access to the subdivision will be in compliance with the right-of-way width, pavement width, maximum grade and sight distance</u>	<u>The Applicant seeks a waiver from this section to the extent a waiver is necessary. The Applicant has provided revised plans displaying pavement width and alignment in accordance with the regulations.</u>

		<u>requirements of these regulations as applicable to ways within a subdivision.</u>	
	<u>§ 244-10, Definitive plan.</u>		
	<u>§ 244-10(B)(13)</u>	<u>Existing and proposed profiles of proposed streets at a vertical scale of one inch equals four feet and horizontal scale of one inch equals 40 feet or other scales acceptable to the Board. The existing profile shall be shown in fine black line, solid at the center line, dotted for the left and dashed for the right side line; the proposed center line shall be shown in heavy red or black line. Existing and proposed center-line elevations shall be shown at 25 feet stations on vertical curves and at 50 feet stations otherwise, also at intersections, and proposed street center-line grade shall be indicated in percent, except on vertical curves. All elevations shall be on national vertical datum, and benchmark elevations shall be identified at 1,000 feet maximum interval.</u>	<u>The Applicant seeks a waiver from this section to the extent a waiver is necessary. The Applicant proposes to continue using the existing entrance but plans to resurface it.</u>
	<u>§ 244-13, Streets.</u>		
	<u>§ 244-13(A)(7)</u>	<u>Where the street grade exceeds 4% (four feet vertically per 100 feet horizontally), a leveling area of not more than two-percent grade shall be provided for a distance of 75 feet from the side line of the intersecting street right-of-way.</u>	<u>The Applicant seeks a waiver from this section to the extent a waiver is necessary. The Applicant proposes that the existing entrance is not being altered in terms of grading.</u>
	<u>§ 244-22, Curbs and berms.</u>		
	<u>§ 244-22(A)</u> <u>§ 244-22(B)</u>	<u>A. Straight or radial granite curbing. Type VO or VB (see Standard Specifications) with a seven-inch initial reveal of exposed face above gutter shall be installed at street corner roundings and roadway curves as specified in the Table located at the end of these regulations, at all catch basin curb inlets, and where the roadway grade exceeds 6%, as specified in said Table.</u> <u>B. Rolled bituminous curbing or Cape Cod berm shall be installed</u>	<u>The Applicant seeks a waiver from this section to the extent a waiver is necessary. The Applicant proposes using sloped granite curbing as the Applicant believes it is the best choice for combining durability with suitability for residential construction.</u>

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		<u>where required to minimize erosion and damage to grass plots: see the table located at the end of these regulations. Bituminous curbing shall extend 12 inches beyond the roadway and shall slope down toward the gutter three inches in 12 inches. Other cross-sectional shapes may be authorized by the Board or the Superintendent of Highways.</u>	

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**SOUTHBOROUGH RULES AND REGULATIONS FOR LOWER IMPACT DEVELOPMENT**

<b><u>Section Reference</u></b>	<b><u>Section</u></b>	<b><u>Waiver Request and Justification for Granting Waiver</u></b>
<u>§ 3.6, Site Composite Plan.</u>	<u>One or more plan sheets with a detailed legend for all symbols used, and a detailed site data table for all relevant dimensional information, showing the following:</u>	
<u>§ 3.6.6</u>	<u>Pre and Post Development topography in 1 foot contours, with reference to the NGVD (national geodetic vertical datum) of 1929.</u>	<u>The Applicant seeks a waiver from this section. The Applicant is using 2 foot contours and NGVD of 1988 for legibility.</u>
<u>§ 3.11, Water Balance Calculation.</u>	<u>A yearly Hydrologic Budget or Water Balance Calculation for pre- and post-development conditions on the site including annual precipitation, evapotranspiration, runoff, recharge, septic flow.</u>	<u>The Applicant seeks a waiver from this section as it presents a disproportionate burden to benefit.</u>
<u>§ 3.12, Hydrogeologic Assessment.</u>	<u>A hydrogeologic assessment for pre- and post development conditions including a seasonal profile of groundwater elevation, the velocity and the direction of ground and surface water flow</u>	<u>The Applicant seeks a waiver from this section as it presents a disproportionate burden to benefit.</u>
<u>§ 3.14, Emergency Response Plan.</u>	<u>A complete Emergency Response Plan with profile of events that could adversely affect the groundwater or surface water. Location of emergency response equipment stored on site and list of equipment. Plan to educate employees on the general concept of stormwater management and groundwater protection, and to train employees for the specific events expected to be incurred during an emergency situation on the site.</u>	<u>The Applicant seeks a waiver from this section as this section is not applicable for residential development and not land use of higher potential pollutant load.</u>

**SOUTHBOROUGH STORMWATER AND EROSION CONTROL REGULATIONS –**  
**CHAPTER 154, ADOPTED MARCH 25, 2023**

	Section Reference	Section	Waiver Request and Justification for Granting Waiver
+	§ 154-3, Applicability.	This bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to § 154-4 of this bylaw. After April 10, 2006, the Commission shall not approve any application for development or redevelopment if the land or parcels of land were held in common ownership (including ownership by related or jointly controlled persons or entities) and were subdivided or otherwise modified to avoid compliance. A development shall not be segmented or phased in a manner to avoid compliance with this bylaw.	Applicant seeks a waiver from this section to the extent the proposed development shown on the Plans is not in compliance with 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 laws including, without limitation, those prescribed by the Massachusetts Department of Environmental Protection and The Massachusetts Stormwater Management Handbook.

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**SOUTHBOROUGH STORMWATER AND EROSION CONTROL RULES AND REGULATIONS – ADOPTED JUNE 22, 2023**

<b><u>Section Reference</u></b>	<b><u>Section</u></b>	<b><u>Waiver Request and Justification for Granting Waiver</u></b>
<u>§ 7.6. Application Contents.</u>	<u>A complete Application for an SMP shall include the following items listed below and other items required by these Rules.</u>	
<u>§ 7.6(n), Emergency Response Plan. § 7.6(n)(1)</u>	<u>If deemed necessary by the Commission, a complete Emergency Response Plan with profile of events that could adversely affect the groundwater or surface water. Location of emergency response equipment stored on site and list of equipment shall be included. A plan to educate employees on the general concept of stormwater management and groundwater protection, and to train employees for the specific events expected to be incurred during an emergency situation on the site shall be included.</u>	<u>The Applicant seeks a waiver from this section as this section is not applicable for residential development and not land use of higher potential pollutant load.</u>

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

	Section Reference	Section	Waiver Request and Justification for Granting Waiver
1.	§4.0 Filing, Time Limits and Notice.		
	§4.1.2	A complete financial pro forma, detailing the projected costs and revenues of the proposed project shall be submitted.	<p>The Applicant seeks a waiver from this section as 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;</i> and</li> <li>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</i></li> </ol>

			<p><i>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. In addition, the Applicant already has prepared and shared with MassHousing and the Town financial pro formas regarding the project.</p>
	§4.1.3.13	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>The Applicant seeks a waiver from this section as the proposed wastewater treatment facility and associated leach field will be reviewed and approved by the Board of Health and Board of Appeals pursuant to the Massachusetts Ground Water Discharge Permitting Program pursuant to 314 CMR 5.00 <i>et seq.</i> The Applicant has excavated and logged deep test holes in the areas proposed for infiltration.</p>

*The requested waivers set forth herein are those of which the Applicant is aware as of November 26, 2024. The Applicant will continue to update this list if necessary during the Board's consideration of the application.*

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## TOWN OF SOUTHBOROUGH BOARD OF HEALTH LEGISLATION

<u>Section Reference</u>	<u>Section</u>	<u>Waiver Request and Justification for Granting Waiver</u>
§ 223-29, <u>Percolation test.</u>		
§ 223-29(E)	<u>The minimum leaching area to be installed shall be determined from the following table, with the estimated sewage flow as determined in accordance with § 223-16. The slowest percolation rate obtained shall govern leaching area requirements.</u>	<u>The Applicant seeks a waiver from this section as the proposed wastewater treatment facility and associated leach field meet the Title 5 standards and will be on several feet of sand due to the existing, sloping ground surface and the requirement for pressure dosed systems to be level. Furthermore, the proposed wastewater treatment facility and associated leach field will be reviewed and approved by the Board of Health and Board of Appeals pursuant to the Massachusetts Ground Water Discharge Permitting Program pursuant to 314 CMR 5.00 et seq.</u>
§ 223-73, <u>Alternation.</u>	<u>Dosing shall alternate when the total volume of waste to be disposed of exceeds 5,000 gallons per day. Alternating siphons and pumps shall discharge to separate disposal areas of equal size.</u>	<u>The Applicant seeks a waiver from this section as the pumps alternate but there is one soil absorption system area. The proposed wastewater treatment facility and associated leach field will be reviewed and approved by the Board of Health and Board of Appeals pursuant to the Massachusetts Ground Water Discharge Permitting Program pursuant to 314 CMR 5.00 et seq.</u>

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The requested waivers set forth herein are those of which the Applicant is aware as of August 1, 2025. The Applicant will continue to update this list if necessary during the Board's consideration of the application.