



Registered Land Surveyors
& Civil Engineers

LIST OF WAIVERS AND OR VARIANCES REQUESTED FOR THE
PROJECT KNOWN AS:

"THE COTTAGES AT OLD OAKEN BUCKET"
279 - 281 OLD OAKEN BUCKET ROAD
SCITUATE, MA.

As set forth in Paragraph ___ of the Decision and subject to the terms and conditions thereof:

The Board expressly waives any and all local rules, regulations and/or bylaws necessary to construct the project consistent with the plans of approval as stipulated in the decision by the Scituate Zoning Board of Appeals, including the requirements in the Town of Scituate’s Zoning Bylaw and Subdivision Rules and Regulations, and Conservation Local By-Law, only to the extent necessary in order to build the Project that is shown on the Plans, as most recently approved Final Site Plans as set forth in this Exhibit “A.”

To the extent the approved plans and the conditions of approval set forth in the decision with any un-waived local regulations, the requirements of the plans and conditions as approved shall supersede such conflicting regulations.

Nothing herein may be construed as a waiver of any applicable state or federal law.

The Board grants waivers from any local requirements for stormwater management, including for stormwater management and the Rules and Regulations of the Conservation Commission, Board of Health and Planning Board, provided that the Applicant fully complies with the conditions of this decision as they apply to stormwater management, per MADEP Stormwater regulations.

No waivers are granted from requirements that are beyond the purview of M.G.L. c. 40B, §§20-23.

As to market rate units, no waivers are granted from building permit, inspection fees including electrical and plumbing fees, DPW fees and/or water connection fees or Board of Health fees and inspection fees.

Water connection and/or tapping fees are waived only to the extent set forth on the schedule (“Schedule 1”) appended hereto..

Any by-law or regulation not inconsistent with the Project as approved and not expressly waived hereunder shall be strictly enforceable. Any subsequent revision to the Plans, including but not limited to revisions that are apparent in the Final Site Plans that require additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11). To the extent any such requested waivers are consistent in material respects with the Plans approved by this Decision, such approval by the Board shall be deemed to be an insubstantial change under 760 CMR 56.05(11)(b).

Town of Scituate Massachusetts Zoning Bylaws (Revised through October 2021)

Section	Requirement	Proposed/Justification
Section 420 Table of Uses		
Multi-family dwelling	Not allowed	Project is a Condominium Development with seven single and thirteen duplex dwelling structures

Multi-family dwelling subject to Section 430.3	Not allowed	Project is a Condominium Development with seven single and thirteen duplex dwelling structures
Section 430.3.A.1	Each project will be subject to the provisions of Section 770, Site Plan Review.	Proposed: The project will be reviewed by the Board of Appeals under a Comprehensive Permit
Section 430.3.A.4	... Dwelling units with more than two bedrooms shall not exceed one in each eight dwelling units to be constructed on each lot. ...	Proposed: 26 units with more than 2 bedrooms per 33 units total
Section 430.3.A.5	The shortest distance between any two multifamily dwellings shall be not less than thirty-five feet.	The shortest distance proposed between any two multifamily dwellings shall be 18' min.
Section 430.3.A.6	...No exterior face of any building shall exceed fifty feet in any plane (measured horizontally) without an offset of at least eighteen inches.	The exterior face distance proposed on any dwelling shall be 51' max.
Section 430.3.A.9	The front yard setback requirements shall be fifty feet.	The front yard setback proposed between any dwelling shall be 15' min.
Section 520.5.D.	All runoff from impervious surfaces shall be recharged on the site, diverted toward areas covered with vegetation from surface infiltration to the extent possible or as otherwise directed by the Scituate Department of Public Works and Conservation Commission.	Drainage to be reviewed by the Board of Appeals
Section 520.5.D.1	Stormwater runoff from rooftops, driveways, and other impervious surfaces shall be routed through grassed water quality swales, as sheet flow over lawn areas, or to constructed stormwater wetlands, sand filters, organic filters, and/or similar systems capable of removing nitrogen from stormwater.	Drainage design to follow DEP regulations.
Section 520.5.D.2	Drywells shall be prohibited	Drywells are proposed

Section 520.5.E.	All clearing and earth moving operations shall only occur while erosion and sedimentation control measures, approved by the Town Engineer, after consultation with the conservation agent, are in place. Such control measures shall remain in place until the Town Engineer determines, after consultation with the conservation agent that the danger of erosion or sedimentation no longer exists.	Erosion Control to be reviewed by the Board of Appeals
Section 520.5.F.2	There shall be no grading, earth disturbance activity or vegetation clearing of land having a natural slope exceeding twenty-five percent (25%).	Proposed grading disturbs areas up to 50% existing grading
Section 520.5.F.3	No finished slope shall be created that exceeds 25% with the exception of side slopes associated with new road construction.	Proposed grading in some areas require retaining walls
Section 520.6.Prohibited table #35	Land uses that render impervious any lot or parcel more than 15% or 2,500 square feet, whichever is greater, but no more than 20% with artificial recharge is prohibited in a Water Resource Protection District.	Impervious area is 24% of the lot area with recharge.
Section 610.1.A	Required Lot width for lot in R-1 District is 175 LF	A section of the Lot is 161 lf due to Lot shape.
Section 620.3	Rear yard required is 8 feet for one story detached accessory buildings. 30 feet for all other buildings in the R-1 district.	Minimum rear yard setback provided is 10 LF
Section 754	Fair Housing and Affordability Standards	Project to be permitted under Chapter 40B
Section 770.2.A	In any district now existing or	Site Design to be reviewed by the

	<p>hereafter adopted, no site other than that used for a single-family or two-family dwelling shall be altered and no structure, other than a single or two-family dwelling, shall be constructed, externally altered or externally enlarged, and no business or commercial use shall be expanded in ground area, changed from one type of business or commercial use to a different type of business or commercial use, or established in an existing structure not theretofore used for business or commercial purposes, except in conformity with a site plan which had first been administratively reviewed by the Planning Board and bears the endorsement of the approval thereof by said board.</p>	<p>Board of Appeals</p>
<p>Section 770.3</p>	<p>In any district now existing or hereafter adopted, no site, other than that used for a single or two-family structure, shall be altered, and structure, other than a single or two-family dwelling, shall be constructed, externally altered or externally enlarged, and no business or commercial use shall be expanded in ground area, changed from one type of business or commercial use to a different type of business or commercial use, or established in an existing structure not theretofore used for business or commercial purposes, when that additional area or new use requires an increase of at least five parking spaces as specified in</p>	<p>Site Design to be reviewed by the Board of Appeals</p>

	<p>Section 760 from the current use of the property on the date of the Site Plan Review application to the proposed use of the property, regardless of how many parking spaces are in existence, except in conformity with a site plan that has first been reviewed by the Planning Board and bears the endorsement of the approval thereof by said board.</p>	
Section 770.6	<p>In reviewing a site plan application under this section, the Planning Board shall assure, to a degree consistent with a reasonable use of the site for the purpose permitted by the regulations of the district in which the land is located, all</p>	<p>Site Design to be reviewed by the Board of Appeals</p>
Section 770.7 A.	<p>A. The Building Commissioner may, at any time during the development of a parcel or structure subject to site plan approval, inspect the premises to determine whether work has been completed in conformity with the approved site plan and, upon making such a finding, shall report the same to the Planning Board with a recommendation that the Planning Board issue a Certificate of Completion. The Building Commissioner may, prior to making the above finding, if she or he deems it necessary to protect the town and its inhabitants, require that a registered professional engineer, land surveyor, and if applicable, a registered architect, certify that the completed work is in conformance with the</p>	<p>Building Commissioner to be directed by the Board of Appeals</p>

	approved site plan. If satisfied that the work has been so completed, the Planning Board shall issue such certificate.	
Section 770.7 B.	If the Building Commissioner finds that the work is not progressing or has not been completed in conformity with the approved site plan, she or he shall revoke any building permit issued in compliance on such approved site plan and take such other lawful action as she or he may deem necessary to enforce compliance with this section.	Building Commissioner to be directed by the Board of Appeals
Section 770.7 C.	Site plan approval shall lapse after two years from the grant thereof if a substantial use or construction thereof has not sooner commenced except for good cause. Such approval, for good cause, may be extended in writing by the Planning Board upon written request of the applicant submitted to the Planning Board at least 60 days prior to the expiration of the two year period.	Project to take 5 years to completion.
Section 770.8	Variance from entire section regarding role of the Planning Board.	Site Design to be reviewed by the Board of Appeals

**Town of Scituate, Rules and Regulations Governing the Subdivision of Land of Land
(Issued on August 13, 2010)**

Note: The proposed development is not designed as a subdivision and many requirements need not be waived since they would not apply to this proposed development.

Section	Requirement	Proposed/Justification
Section 1.Purpose and Authority	Planning Board	Waive Section 1 and its subsections from the Planning Board and its procedures

Section 3.2. Applications and other required submittals	Planning Board	Waive Section 3.2 submittals to be provided to the Board of Appeals in accordance with Comprehensive permit requirements.
Section 3.5 Issuance of Building Permits	The Building Inspector shall not issue any permit for erection of a building until first satisfied (a) that the lot on which the building is to be erected is not within a subdivision, or (b) that a way furnishing the access to the lot within a subdivision as required by the subdivision control law is shown on a recorded plan and that any conditions endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied, and (c) that all other applicable requirements have been met.	Waive Section 3.5 Building Inspector need not consider all of the requirements of the Subdivision Rules and Regulations
Section 3.7 Fees	The fees indicated in Appendix A, Application and Review Fees shall accompany the submittal of application materials of the various plans specified in the Rules and Regulations, to cover costs of processing, technical review, and inspection.	Waive Section 3.7 Fee requirements to be regulated on the approved Comprehensive permit
Section 3.8 Modifications, Amendments, or Rescission of Subdivisions	The Board, on its own motion or on the petition of any interested person, shall have the power to modify, amend, or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved	Waive Section 3.8. Planning Board's ability to rescind or modify permits

	plan, after due notice and opportunity to the owner to be heard in accordance with G.L. c. 41, s. 81W, as amended.	
Section 3.9 Dwelling Limitation	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 lot in a subdivision or elsewhere in the town, without the consent of the Planning Board.	Waive Section 3.9 Planning Board's ability to limit dwellings
Section 3.10.3 Obligations	<p>The Board may also require mitigation measures at the subdivision entrances and/or at other intersections to address anticipated adverse impacts to sight distance, intersection and roadway capacity and safety.</p> <p>In the event such physical improvements are impracticable, the Board may require a pro-rata monetary contribution to a capital project undertaken by the Town for access improvements that would benefit the proposed subdivision.</p>	Waive Section 3.10.3 to limit Planning Boards authority to adjust entrance design.
Section 7.2.1.1.4.e Grade	No street shall intersect another street at a gradient in excess of two (2) percent for a distance of at least one hundred (100) feet from the intersection of the street centerlines.	Waive Section 7.2.1.1.4.e to limit Planning Boards authority to adjust entrance design.
Section 7.2.1.1.6.b Dead end Streets	Dead end streets shall not be longer than six hundred (600) feet measured along the center line from the	Waive Section 7.2.1.1.6.b to limit Planning Boards authority to adjust Dead end Street design.

	edge of the layout of the through road from which they are entered to the center of the cul-de-sac, or the mid-point of the turnaround for dead-end streets lacking a cul-de-sac.	
Section 7.2.1.1.7.b Driveways for multiple dwellings	Driveways for multiple dwellings and all nonresidential uses shall be at least sixteen (16) feet and not more than twenty two (22) feet wide, shall have an opening at the gutter line of at least twenty (22) and not more than twenty six (26) feet, and, where curbing is required, shall have a curb return at the roadway of three (3) feet in radius.	Waive Section 7.2.1.1.7.b to limit Planning Boards authority to adjust driveway design.
Section 7.3.1.2.k Use of Natural Areas for Infiltration	The following methods for protecting natural drainage areas are encouraged for increased stormwater infiltration and erosion control, and may be required if determined to be necessary to reduce the volume of stormwater that must be routed through detention/ retention devices, to decrease stormwater flows off the site, to increase absorption of runoff on the site, or to reduce erosion and control sedimentation within natural or man-made drainage systems	Waive Section 7.3.1.2.k and subsections to limit Planning Board to adjust drainage design with use of natural areas.
Section 7.5 Amenities	The whole section in its entirety	Waive Section 7.5 to limit Planning Board to specify amenities
Section 7.6 Easements	The whole section in its entirety	Waive Section 7.6 to limit Planning Board to specify easements
Section 8.1.4 Roadway construction	The entire area to be	Waive Section 8.1.4

<p>specifications</p>	<p>occupied by the roadway plus an additional four (4) feet on either side, or extending outward to the toe of slopes to be excavated, or, in cut sections, to the further side of any sidewalk to be constructed, whichever is greater, shall be excavated to a minimum of four (4) feet below finished grade in cut sections or to such greater depth as may be required by the Director of Public Works if soft or yielding material, clay, peat, silt, sand pockets, bouncers or rocks, organic materials, or other material detrimental to the subgrade is encountered. All fill, gravel and undisturbed material shall be non-frost susceptible and shall contain not more than ten (10) percent passing the #200 mesh sieve for a minimum depth of four (4) feet below the finished roadway grade. Trees intended to be preserved shall be protected from injury by suitable boxes, or fenders, or, if in fill, by wells constructed in accordance with MassHighway standards of a diameter at least three (3) feet or three (3) times the tree diameter, whichever is greater. All work in connection with the installation of utilities and drainage within the roadway must be completed prior to placement of fifteen (15)</p>	<p>Roadway construction specifications from the Planning Board</p>
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	inch of gravel sub-base.	
Section 8.2.1.2 Storm drainage specifications	All storm drains shall be reinforced concrete pipe and shall be laid with a minimum of two and one-half (2 1/2) feet of cover over top of pipe. Cover required hereunder may be reduced to provide the appropriate taper at the outfall of a drain line.	Waive Section 8.2.1.2 to allow ADS pipe
Section 7.10 street trees	The whole section in its entirety	Waive Section 7.6 to limit Planning Board to require street trees
Section 9.1.3 Notification requirements,	The Department of Public Works and/or its designee, as the authorized agent for the Planning Board, shall be notified, at least forty-eight (48) hours prior to the commencement of each step of the work as listed below. The Planning Board or the Town Planner shall be separately notified of items #1, 3 and 21, and the Conservation Commission or its Agent shall be separately notified of item #2, with these notifications also to be made at least forty-eight hours prior to the commencement of the work.	Waive Section 9.1.3 to limit Planning Board to require notification schedule
Appendix A. Application and Review Fees	The whole section in its entirety	Waive Appendix A to allow the Board of Appeals to except permit applications and fees
Appendix B. Charts, Diagrams and Tables	Dimensions of a Minor Street	Waive Appendix B to allow the following... 20 Ft wide traveled way 12" wide capecod berms both sides 1' wide grass strip
Section IV, F. Open Space, Parks and Playgrounds	Planning Board	Waive Section IV, F. Open Space, Parks and Playgrounds

Commonwealth of Massachusetts, Town of Scituate Board of Health Supplementary Rules and Regulations for Disposal of Sanitary Sewerage, no date

No waivers requested at this time.

**Town of Scituate Code of Bylaws Section 30770 Wetlands Protection Rules and Regulations By the Scituate Conservation Commission
Revised to incorporate adoption of new FEMA Flood Insurance Rate Maps for Plymouth County (Scituate) effective July 6, 2021.**

Waivers are requested from local bylaw fees associate with all Conservation Commission filings and to allow the project to follow the Wetlands Protection Act and the MADEP Stormwater Rules and Regulations

Section	Requirement	Proposed/Justification
Section 10.02, 2) b. Statement of Juresdiction	Any activity proposed or undertaken outside the areas specified in SWR 10.02 shall not be subject to regulation under the bylaw unless, in the judgment of the Conservation Commission , said activity will result or has resulted in removing, filling dredging or altering an area specified in SWR 10.02.	Waive Section 10.02, 2) b. to limit the Commission’s ability to extend juresdiction
Section 10.03, 2) b. General Provisions	The Scituate Conservation Commission will endeavor, through these regulations, to support the Scituate Board of Health and to insure maximum protection of the interests outlined under the local wetlands bylaw. The presumptions of significance adopted by the State Wetlands Regulations 310 CMR 10.03(3) correspond to public health standards more than environmental protection and are not adopted in these local wetlands regulations. As related to septic derived contaminants, the regulations are meant to complement local	Waive Section 10.03, 2) b. to limit the Commission’s support to the Board of Health for reviewing the project only in accordance with Title 5.

	health regulations although authorized and administered separately.	
Section 10.05, 2) a. iii Procedures	Payment to the "Town of Scituate" in accordance with the fee schedule as amended on September 7, 2016 and detailed in the Scituate Wetland Regulations, shall accompany all NOIs, and ANOIs.	Waive Section 10.05, 2) a. iii to provide only fees that are required under the Wetlands Protection Act.
Section 10.05, 2) c. Procedures	<p>NOI onsite inspection requirements to be met at the time of filing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Visible identification of lot number or house number if existing house. <input type="checkbox"/> Staking of all corners of new structures or additions. <input type="checkbox"/> Staking of property boundaries, if required by the Commission. <input type="checkbox"/> Flagging and numbering of the edge of wetlands and flood zone boundaries. <p>i. If these requirements are not met, the project may be denied for lack of information [Section 10.05, (a) & (b)] or, at the applicant's request, continued to another hearing date. Any new information requested by the Commission must be submitted 7 days prior to the date of the continuance to allow for adequate review by the Commission. Additional time for review of tardy information may be requested by the Commission and may result in an additional continuance.</p>	Waive Section 10.05, 2)c to limit inspections and submittal guidelines to what is required under the Wetlands Protection Act.
Section 10.05, 7. Performance Gurantees	The Commission may impose Performance Guarantees	Waive Section 10.05, 7. to limit The Commission to impose Performance Guarantees to what is required under the Wetlands Protection Act.

Section 10.05, 10.a. Buffer Strips	It is the intent of the Commission to emphasize the use of vegetated Buffer Strips within the Buffer Zone as the primary mechanism for reducing the potential for adverse impacts on resource areas subject to protection under the Commonwealth of Massachusetts' Wetlands Protection Act (M.G.L. c.131 s.40), and Section 30700 of the Town of Scituate Code of by laws.	Waive Section 10.05, 10.a to limit emphasize the use of vegetated Buffer Strips within the Buffer Zone as the primary mechanism for reducing the potential for adverse impacts on resource areas subject to protection to what is required under the Wetlands Protection Act.
Section 10.05, 10.c. Standards and Limitations for Buffer Strips	The Commission may impose restrictions on the 50 ft buffer strip	Waive Section 10.05, 10.c to limit the Commission's requirements to alteration within the 50 ft buffer strip to what is required under the Wetlands Protection Act.

Town of Scituate Stormwater Bylaw Section 32050 effective 4/14/2016.

Waivers are requested from local bylaw fees associate with all Stormwater filings and to allow the project to follow the Comprehensive Permit regulations, the Wetlands Protection Act and the MADEP Stormwater Rules and Regulations.

Section	Requirement	Proposed/Justification
Section 32050 4. Applicability	This bylaw shall apply to the following activities: 1. All development and redevelopment projects that will disturb over 15,000 sq. ft. of land in a Residential zoning district; render 25% or more of an undeveloped lot impervious or increase impervious area of a developed lot by 25% or more, even if that disturbance is conducted over separate phases and/or by separate owners. 2. All development and redevelopment projects that will	Waive Section 32050 4. to limit the Commission and/or Planning Boards ability to make the project applicable to the local Stormwater Bylaw

	<p>disturb over 1,000 sq. ft. of land on undisturbed or natural slopes greater than 25%, even if that alteration is conducted over separate phases and/or by separate owners.</p> <p>3. Construction of a new drainage system or alteration of a drainage system serving a drainage area of more than 15,000 sq. ft. of land.</p>	
Section 32050 7. And all subsections regarding submittal requirements	Submittal requirements for development, site disturbance and alteration shall include an application form, application fee and plans.	Waive Section 32050 7. to limit submittal requirements to what is required under the Comprehensive Permit and Wetlands Protection Act.
Section 32050 8. Performance Standards	The Commission or Planning Board may impose Performance Standards	Waive Section 10.05, 8. to limit the Commission and/or Planning Boards ability to impose Performance Standards applicable to the local Stormwater Bylaw