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Land Development, Transportation & Environmental Solutions

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March 22, 2022

**“Windsor Heights”
Proposed Comprehensive Permit Development
253 Page Street, Avon, Massachusetts**

Applicant: Stonebridge Homes, Inc.

Subject Property: 253 Page Street, Avon, MA Assessors Map C6 BLOC 1 Plot 4, Total Land Area = 3.52 acres and Total Upland Area = 3.13 acres. Total Wetland Area = 0.390 acres

The Board hereby 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 Avon Zoning Board of Appeals. 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 waiver list as submitted is a combined effort by the development team to itemize all waivers necessary to build the development in accordance with the approved plans.

REQUESTED WAIVERS

A general waiver is sought from all site plan approval requirements under the Planning Board's jurisdiction as the project will be reviewed by the Zoning Board of Appeals per Comprehensive Permit and MGL Chapter 40B regulations. See below a table of other local regulations with waivers requested.

Town of Avon Comprehensive Permit Chapter 40B Rules and Regulations

	Requirement	Proposed/Justification
Section 3.A.5	Where a subdivision of land is involved, a preliminary or definitive subdivision plan conforming to all of the applicable requirements of the Avon Regulations for the Subdivision of Land;	Request waiver from the requirement for the plans for conform to the Avon Planning Board Rules and Regulations as they relate to the Subdivision of Land

Town of Avon Massachusetts Zoning Bylaws (Revised through May 7 2019)

Section VI – Dimensional and Density Regulations	Requirement	Proposed/Justification
Section 6-4: Table for Residential B		
Minimum Lot Size	40,000 sf	1 lot at 3.52 acres
Minimum Lot Frontage	200 ft	365 ft for one lot
Minimum Setbacks		
Front	35 ft	Varies per lot (min.= 19.9 ft)
Rear	40 ft	Varies per lot (min.= 165.45 ft)
Side	20 ft	Varies per lot (min. = 36.3 ft)
Max. % Building Coverage:	35%	Varies per lot (max. = 34.13%)
Minimum Lot Area per dwelling	40,000 sf	24 residential units on 3.52 acres
Maximum Building Height	35 ft	Varies
Section VII – Special Permits		
Section 7-4: Authority to Issue Permits	Planning Board	Zoning Board of Appeals
Section 7-5, Subsection A): Specific Requirements for Particular uses by Special Permit	Planning Board	Waive this requirement and section in its entirety
Section 7-5, Subsection C): Removal of Loam, Sand, Gravel, Quarry, or other Earth Materials	Planning Board	Zoning Board of Appeals to allow for the removal of loam, sand, gravel, quarry or other earth materials per this section
Section 7-5, Subsection D): Filling of any Water, wet area or depression	Planning Board	Zoning Board of Appeals to allow for the filling of any water, wet area or depression per this section
Section IX – Nonconforming Uses, Structure Lots	Planning Board/ZBA	Waive this requirement and section in its entirety

Rules and Regulations Governing the Subdivision of Land in Avon, MA (Issued on 1964 and Revised on May 1, 1974)

Rules and Regulations Governing the Subdivision of Land and the Procedures of the Planning Board	Requirement	Proposed/Justification
Section I. Authority	Planning Board	Waive Section I and its subsections from the Planning Board and its procedures
Section II. General	Planning Board	Waive Section II and its subsections from the Planning Board and its procedures
Section III. Procedure for the Submission and Approval of Plans		
Section III, A. Procedure for the Submission and Approval of Plans	Planning Board	Waive Section III, A. and its subsections for the submission of a Preliminary Subdivision Plan
Section III, B. and its subsections and exhibits for the submission of a Definitive Subdivision Plan	Planning Board	Waive Section III, B. and its subsections and exhibits for the submission of a Definitive Subdivision Plan
Section IV. General Requirements and Design Standards	Planning Board	Waive Section IV, A. General and Subsections 1-5 as they relate to basic requirements, conformance with a Master Plan, minimum lot area and one dwelling per lot
Section IV, A. General, Subsections 1-9, Reserve Strips, further subdivisions and re-subdivisions	Planning Board	Waive Section IV, A. General, Subsections 1-9, Reserve Strips, further subdivisions and re-subdivisions
Section IV, B. Streets, Subsection 1, a.- d. - Arrangement of proposed streets	Planning Board	Waive Section IV, B. Streets, Subsection 1, a.- d. - Arrangement of proposed streets
Section IV, B. Streets, 2., Access to Arterial Street	Planning Board	Waive Section IV, B. Streets, 2., Access to Arterial Street
Section IV, B. Streets, 1-7., Street Jogs	Planning Board	Waive Section IV, B. Streets, 1-7., Street Jogs
Section IV, B. Streets, 4., Right of Way Widths and Alignments	Planning Board	Waive Section IV, B. Streets, 4., Right of Way Widths and Alignments
Section IV, B. Streets, 5., Intersection	Planning Board	Waive Section IV, B. Streets, 5., Intersection
Section IV, B. Streets, 6., Dead-End Streets	Planning Board	Section IV, B. Streets, 6., Dead-End Streets
Section IV, B. Streets, 7., Half Streets	Planning Board	Waive Section IV, B. Streets, 7., Half Streets
Section IV, C. Blocks,	Planning Board	Waive Section IV, C. Blocks
Section IV, D. Easements	Planning Board	Waive Section IV, D. Easements
Section IV, E. Pedestrian Ways	Planning Board	Waive Section IV, E. Pedestrian Ways
Section IV, F. Open Space, Parks and Playgrounds	Planning Board	Waive Section IV, F. Open Space, Parks and Playgrounds

Section V. Required Improvements		
Rules and Regulations Governing the Subdivision of Land and the Procedures of the Planning Board	Requirement	Proposed/Justification
Section V, A. Basic Requirements,	Planning Board	Waive Section V, A. Basic Requirements,
Section V, B. Improvement Specifications, subsections 1-27	Planning Board	Waive Section V, B. Improvement Specifications, subsections 1- 27
Section VI, Administration		
Rules and Regulations Governing the Subdivision of Land and the Procedures of the Planning Board	Requirement	Proposed/Justification
Section A, Authority,	Planning Board	Waive Section A, Authority, to the ZBA
Section B, Variation	Planning Board	Waive Section B, waiver of planned unit development and waiver of compliance
Section C, Reference	Planning Board	Waive Section C, Reference to the ZBA
Section D, Inspection	Planning Board	Waive Section D, Inspections
Section E, Validity of the Regulations	Planning Board	Waive Section E
Section F, Amendments	Planning Board	Waive all sections of amendments
Form A, Form B, Form C, Form D, Form E, Form F, Form G, Form H, Form I, Form J	Planning Board	Waive all sections as they related to these forms and any performance guarantees

Avon, Massachusetts Wetlands Protection By-Laws Article X of the Town of Avon General Bylaws (last Amended June 2016)

- 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

File Submission Requirements	Requirement	Proposed/Justification
File Fees	\$50.00	Waive File Fee
Requirement of MADEP File number Before Submission to Avon Con Com and Advertisement in Newspaper	MADEP to issue file number upon receipt of payment to MADEP lock box in Boston, MA	Waive this requirement and follow the MADEP Rules and Regulations
Article X, Wetland Protection	Local Wetland By-law in General Town Bylaws-Local Conservation Commission	Waive Entire Local By-law in the General Town Bylaws for local jurisdiction and Follow MADEP Rules and Regulations and the Wetlands Protection Act(WPA)

Town of Avon, MA – Avon, MA DPW & Board of Selectman Requirements for Street Opening Permit Process

Section 1. – Non refundable fee	Requirement	Proposed/Justification
Nonrefundable fee of \$125, emergency repair of road under 5 yr. moratorium \$250	Requirement to pay fees to the Town of Avon, MA DPW for street opening permit	Waive this requirement of paying fees to the town.
Section 2. – Restoration Security(bond)	Requirement	Proposed/Justification
Minimum \$10K bond for up to 4 openings, additional bonds for projects 4 to 8, etc. bond coverage must be 24 months, first year bond calendared in database for renewal, large project -DPW will recommend to the BOS a specific bond amount based on DPW estimate of cost to the town to restore road, town utilities and other town standards	Requirement to pay fees to the Town of Avon, MA DPW & Board of Selectman	Waive this requirement for paying fees to the town as described.
Section 4. – Restoration Conditions	Revisions and Conditions Per DPW & Board of Selectman	Waive this requirement.
Additional requirements of the DPW & Board of Selectman	Requirement	Proposed/Justification
Street opening permit application	Town of Avon, MA DPW/Board of Selectman	Waive the requirement of the submission of a street opening permit application and all of its general conditions
Street opening permit, Supplement to application	Requirement	Proposed/Justification
Requirement to obtain permit to enter the street, from Board of Selectman	Contractor to follow the requirements of the street opening permit as outlined in the Supplement to Application	Waive the requirement of the submission of a supplement to the application and the requirements outlined and described in the supplement to Application outline for construction means and methods and bond amounts.

Town of Avon, MA – Avon, MA Board of Health, Regulations adopted on June 10, 1976, effective July 1, 1976 and Procedures for Permits adopted 1/10/72 effective 7/1/76 with Footer dated “2011 BOH Regs”

File Submission Requirements	Requirement	Proposed/Justification
Section IV. Procedures for Permits		
A. Application for building permit, subsection 1, 2 & 3	To follow the local BOH regulation for septic system	Waive this requirement and follow the MADEP Rules and Regulations, Title V
B. Requirements for a swimming pool and all its subsections	To follow the local BOH regulations for a swimming pool	Waive this requirement
C. Application for individual disposal works permit and certificate of compliance (Title V-State Sanitary Environmental Code) and all its subsections	To follow the local BOH requirements as outlined in the BOH Rules and Regulations	Waive the requirement to follow the Town of Avon Board of Health Requirements as they relate to the Section C. Application for individual Disposal Works Permit and Certificate of Compliance and to follow the MADEP State Regulations as they relate to the Wetland Protection Act and Title V regulations for a septic system less than 10K GPD.
D. Application for Disposal Works Installer Permit	To follow the local BOH requirements as outlined in the BOH Rules and Regulations	Waive the requirement to follow the Town of Avon Board of Health Requirements as they relate to the Section C. Application for individual Disposal Works Permit and Certificate of Compliance and to follow the MADEP State Regulations as they relate to the Wetland Protection Act and Title V regulations, with the installer to be approved by MADEP
Section VII, 310 CMR 15.00. State Environmental Code, min. requirement for subsurface disposal of sanitary sewage.	Requirement	Proposed/Justification
Section A. – Disposal of Sanitary Sewage in unsewered areas and its subsections	To follow the local BOH requirements as outlined in the BOH Rules and Regulations	Waive the requirement to follow the Town of Avon Board of Health Requirements as they relate to this section for unsewered areas, follow the MADEP State Regulations as they relate to Wetland Protection Act and Title V regulations.

Section VII, 310 CMR 15.00. State Environmental Code, min. requirement for subsurface disposal of sanitary sewage.	Requirement	Proposed/Justification
Section B. – No building or plumbing permit for an addition to a dwelling or structure without adequacy of existing sewage and water supply systems and its subsections	To follow the local BOH requirements as outlined in the BOH Rules and Regulations	Waive the requirement to follow the Town of Avon Board of Health Requirements as they relate to this section for unsewered areas, follow the MADEP State Regulations as they relate to Septic System designs and permitting, as specified by MADEP in Title V.
Section C. – Filling of land submerged during a portion of the year	To follow the local BOH requirements as outlined in the BOH Rules and Regulations	Waive the requirement to follow the Town of Avon Board of Health Requirements as they relate to this section, and to follow the MADEP State Regulations as they relate to Wetland Protection Act and Title V regulations.
Section D. – System to be constructed in Fill Material, etc. and its subsections	To follow the local BOH requirements as outlined in the BOH Rules and Regulations	Waive the requirement to follow the Town of Avon Board of Health Requirements as they relate to this section, and to follow the MADEP State Regulations as they relate to Wetland Protection Act and Title V regulations.
Section E. – Groundwater and its subsections	To follow the local BOH requirements as outlined in the BOH Rules and Regulations	Waive the requirement to follow the Town of Avon Board of Health Requirements as they relate to this section, and to follow the MADEP State Regulations as they relate to Wetland Protection Act and Title V regulations.
Section F. – Additional Regulations Pertaining to the Disposal of Sanitary Sewage in Unsewered Areas and its subsections	To follow the local BOH requirements as outlined in the BOH Rules and Regulations	Waive the requirement to follow the Town of Avon Board of Health Requirements as they relate to this section, and to follow the MADEP State Regulations as they relate to Wetland Protection Act and Title V regulations.

Town of Avon, MA – Avon, MA DPW Requirements for Water Lines & Mains

Water Department Regulations	Requirement	Proposed/Justification
Regulations Regarding Water Main Size and Material (see Subdivision Regulations Section V, B-13)	Installation of 8" Diameter Size, Ductile Iron Material Water Mains	Installation of 8" Diameter not looped
Filing Fees	As Indicated by DPW/Water Department	Waive all fees associated with the installation of water mains, lines, hydrants, and their related components

MBL Land Development & Permitting, Corp., and Stonebridge Homes, Inc. and any of the applicant's team of consultants reserves the ability to add, remove and amend this list of waivers as the process proceeds with the Zoning Board of Appeals.

Respectfully Submitted,

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