

LIST OF WAIVERS

List of Waivers (See Also Specific Waivers Described Below)

As required under 760 CMR 56.05(2)(h), the following is a list of Waivers to “Local Requirements and Regulations” in effect as of the date of the filing of the Comprehensive Permit Application with the Town of Ipswich Zoning Board of Appeals, including waivers from the Town of Ipswich General Bylaws, as Amended through the Special Town Meeting held on November 7, 2017, as further amended through the date of the filing of this Application (“Ipswich General Bylaws”), VI. Protective Zoning Bylaw -- Town of Ipswich, Massachusetts (dated May 7, 1977, as Amended through the Special Town Meeting held on November 7, 2017, as amended through the date of the filing of this Application (“Zoning Bylaw”), the Town of Ipswich Planning Board Rules and Regulations Governing the Subdivision of Land in Ipswich, Massachusetts, as amended through July, 2013 (Subdivision Rules) if applicable, and other Local Requirements and Regulations as defined under Section 56.02 of the Chapter 40B Regulations, including all local legislative, regulatory, or other actions which are more restrictive than state requirements, if any, including local zoning and wetlands bylaws, subdivision and board of health rules, and other local bylaws, codes, and regulations, in each case which are in effect on the date of the Project’s application to the Board. In addition to the following list of requested Waivers listed below, the Applicant requests an exception from each and every provision or requirement of all Local Requirements and Regulations issued by a “Local Board” (defined under the Chapter 40B Regulations as means any local board or official, including, but not limited to any board of survey; board of health; planning board; conservation commission; historical commission; water, sewer, or other commission or district; fire, police, traffic, or other department; building inspector or similar official or board; board of selectmen, as well as all boards, regardless of their geographical jurisdiction or their source of authority [that is, including boards created by special acts of the legislature or by other legislative action] if such local board perform functions usually performed by locally created boards) with which any aspect of its Comprehensive Permit Application, including but not limited to its proposed site development plans and any other information hereinafter submitted to the Board, is inconsistent.

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

TOWN OF IPSWICH GENERAL BYLAWS, AS AMENDED THROUGH NOVEMBER 7, 2017 (THE “IPSWICH GENERAL BYLAWS”)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Part I, Chapter 15, Article III, Section 15-22	Streets	Work in Streets	No such parties shall, for the space of one year, break up or disturb the surface of any such way or street, or any way within the area so constructed and repaired, except in case of reasonable necessity demonstrated to the Town Manager	A waiver is requested to the extent any work in a public way has been completed within one year prior to the Project work in any street or way. To be governed by the Comprehensive Permit Decision.
Part I, Chapter 138, Article III, Sections 138-1 through 138-7	Demolition Review	Pre-demolition Review of defined Significant Buildings	Process for review by the Ipswich Historical Commission of the proposed demolition of defined “Significant Buildings” before issuance of a demolition permit by Building Inspector.	A waiver of such review and approval is necessary to enable the construction of the Project. Any demolition to be governed by Comprehensive Permit Decision.

<p>Part I, Chapter 193, Article III, Sections 193-1 through 193-12</p>	<p>Stormwater</p>	<p>Stormwater Bylaw and Stormwater Regulations</p>	<p>No person may undertake any alteration of drainage characteristics, which alteration may include, without limitation, clearing, grading, and excavation that will result in a land disturbance exceeding an area of 10,000 square feet, or more than 50% of a parcel or lot, whichever is less, without a Storm Water Management Permit from the Permitting Authority; except for an activity which requires Site Plan Review, Definitive Subdivision Approval, or a Special Permit from the Planning Board, or which requires an Order of Conditions from the Conservation Commission.</p>	<p>A waiver is requested as stormwater will be managed in accordance with the MassDEP's Stormwater Policy and Technical Guidance, unless otherwise exempt. Stormwater to also be managed in accordance with a US EPA Stormwater Construction Permit for Massachusetts.</p>
<p>Part I, Chapter 197, Section 197-20</p>	<p>Streets and Sidewalks</p>	<p>Permit Required for Excavation</p>	<p>No person, except Town employees duly authorized to do so, shall excavate, dig up, or otherwise open or occupy any portion of a street or public place, except in accordance with a permit therefor from the Board of Selectmen.</p>	<p>Waived. A waiver is necessary to allow for street excavations without a permit issued by the Board of Selectmen, but as conditioned in the Comprehensive Permit Decision.</p>

<p>Part I, Chapter 220, Article I, Section 220-1</p>	<p>Water & Sewer</p>	<p>Sewer Tie-Ins</p>	<p>All buildings erected on any lot of land adjoining the sewerage system of the Town of Ipswich shall be required to tie in by pipeline to the said sewerage system and to dispose of such sewerage through such tie-in; ... The owners of buildings in the Town of Ipswich shall be responsible for compliance with this section. Each day of continued noncompliance with this section shall be deemed to be a separate violation.</p>	<p>Waived. Any sewer tie-in to be governed by Comprehensive Permit Decision.</p>
<p>Part I, Chapter 220, Article IV, Section 220-6</p>	<p>Water & Sewer</p>	<p>Sewer Certificate of Compliance Pre-Transfer</p>	<p>No person shall cause or permit the transfer of any occupied real property for which the sanitary sewer is available by gravity without first having obtained from the Town a certificate of compliance that the premises are properly connected to the sanitary sewer system and there is no condition which permits the introduction of any groundwater and/or surface water to the public sanitary sewer ("infiltration/inflow conditions").</p>	<p>Waived. Any pre-transfer inspection and certificate to be governed by Comprehensive Permit Decision.</p>

Part I, Chapter 224, Article IV, Sections 224-1 through 224-18, and all local wetlands bylaw regulations and policies	Wetlands Protection	Local Wetlands Protection Bylaw, Ipswich Wetlands Protection Rules and Regulations, and related policies of the Conservation Commission	Procedures, jurisdictional requirements, applications, fees and costs, regulations, and enforcement.	Waived. Project to be governed by a Wetlands Order of Conditions issued pursuant to the Massachusetts Wetlands Protection Act (MGL c. 131, s. 40) and State Wetlands Regulations at 310 CMR 10.00
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PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section V.A	Use Regulations	Applicability of Use Regulations	Except as provided by Chapter 40A of the Massachusetts General Laws, as amended, or this bylaw, in each district no building, structure, water body, or lot shall be used or occupied except for the purposes permitted in the district as described in this section. Any use not listed in these regulations.... shall be construed to be prohibited.	Waived to the extent the Board waives zoning requirements in the Comprehensive Permit Decision.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section V.D, Footnotes 16, 18, 20 & 39, Section XI.I.	Use Regulations	Table of Use Regulations, Inclusionary Zoning	The Project is located within both the Rural Residence A (RRA) District, and the Highway Business (HB) District as defined under Section IV. A and as shown on the Zoning Map. Within the RRA District, single family detached dwellings are permitted by right with no more than one (1) principal building per lot, except as allowed in multi-family residential developments and except for permitted uses in the IR and RRA Districts as provided in Section IX.P. (FN 18), two-family dwellings are permitted by ZBA special permit, and both multi-family dwelling and multi-family residential development are prohibited. Removal of earth permitted by ZBA Special Permit in RRA District, but not allowed in HB District. Common driveway use allowed only in RAA District for up to two residential lots containing single- or two-family uses. Within the HB District, single family detached and two family dwellings are prohibited, and a multi-family dwelling and multi-family residential development use, subject to the inclusionary housing requirements in Section IX.I. of the Zoning Bylaw (FN #20), are permitted by Planning Board Special Permit.	Waived. To allow use of the Property for no less than a total of 194 garden-style and townhouse-style residential rental Multi-Family Dwelling Units, all of which are contained within either one of the five garden-style buildings or townhouse-style buildings depicted on the Site Plans, as well as customary accessory structures and uses, including but not limited to, utility, generator, sewer pump station, maintenance building, and management/office buildings, and related customary accessory uses, along with passive recreational open space, parking (including open air and private garage parking), common driveway access, rights of commercial access onto Project site, water and sewer and stormwater management improvements and appurtenances, other utilities, signs, the removal and movement of earth necessary to allow for the construction of Project improvements, and other appurtenant uses customary to such residential uses, designated open space, all as may be depicted in the Site Plans.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section V.D, Footnotes 18 & 20, Section XI.I. [Cont'd]	Use Regulations	Table of Use Regulations, Inclusionary Zoning		Also allow the use of one temporary construction and/or marketing trailer as Applicant's project office until all units are leased.
Section V.E	Use Regulations	Lots Situated in More Than One District.	Such lots shall be subject to the Use Regulations which apply to the Zoning District in which the development is occurring. In the case of developments which occur in more than one district, each part of the development shall be governed by the Use Regulations which apply to each such District.	A waiver is necessary such that the Project uses as described above are allowed shall be governed by the use regulations which apply to each such District, except as waived under the Comprehensive permit Decision.
Section II.A	Applicability	Nonconforming Uses and Structures	Requirements and special permit conditions for any modification, change, substantially extend, reconstruction, alteration or changes of a pre-existing lawful nonconforming use or structure. **Note that pursuant to 760 CMR 56.05(7), zoning waivers are required solely from the "as-of-right" requirements of the zoning district where the project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district. Accordingly, any waivers which reference special permit requirements are included only for illustration purposes.	Waived to the extent that any Project improvements which are located on Lot H are considered a modification, change, substantial extension, reconstruction, alteration or change of a pre-existing lawful nonconforming use or structure as a result of the Project.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VI.A	Dimensional and Density Regulations	Applicability of Dimensional and Density Regulations	The regulations for each district pertaining to minimum lot area, minimum lot width, minimum lot frontage, minimum front setback, minimum side setback, minimum rear setback, maximum height of buildings, maximum number of stories, maximum building area, minimum open space, and other dimensional controls shall be as specified in this section and subject to the further provisions of this bylaw. Unless otherwise exempted elsewhere in this bylaw, all structures must comply with minimum setback distances, even if the structures do not require a building permit.	A waiver is necessary to enable the Project to be developed and operated in accordance with the dimensional requirements of Section VI., except as waived as depicted on the Site Plans and as provided within the Comprehensive Permit Decision.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VI.B	Table of Dimensional and Density Regulations	Dimensional and Density Regulations for Principal Buildings and Structures Located within the RRA and HB Districts	Dimensional and Density Requirements within the RRA District are as follows: Min Lot Area – 87,120 s.f. Min. Lot Width – 175 ft (FN22) Min Lot Frontage – 150 (FN22) Min. Setbacks: Front – 50 ft (FNs 1,2, 7) Side - 40 ft (FNs 2, 7) Rear – 30 ft (FNs 2, 7) Max Lot Area: Max Bldg Area 20% (FN20) Max Floor Area N/A Min Open Space 50%	481,647± s.f. (11.1 ac)(entire lot) >175 ft >150 ft. 52 ft 100 ft N/A [TBD] N/A [TBD]

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VI.B	Table of Dimensional and Density Regulations	Dimensional and Density Regulations for Principal Buildings and Structures Located within the HB District	Dimensional and Density Requirements within the HB District (FN16) are as follows: Min Lot Area – 25,000 s.f. for 1 st DU plus 5,000 s.f./DU thereafter = 990,000 s.f. (22.73 ac) Min. Lot Width – 125 ft Min Lot Frontage – 100 ft Min. Setbacks: Front – 50 ft (FNs 1,2,7) Side - 20 ft (FNs 2, 7) Rear – 30 ft (FNs 2, 7) Max Lot Area: Max Bldg Area 30% Max Floor Area N/A Min Open Space 50%	Waived, setbacks to be as depicted on Site Plans. 481,647± s.f. (11.1 ac)(entire lot) [waiver] 131.83 ft 131.83 ft 25 ft [waiver] 7 ft [waiver] 12 ft [waiver] [TBD] N/A [TBD]
Section VI.B	Table of Dimensional and Density Regulations	Dimensional and Density Regulations for Accessory Structures Located within the RRA District	Dimensional and Density Requirements for Accessory Structures within the RRA District are as follows: Min. Setbacks: (FN 17 exemptions) Front – 50 ft (FNs 1,2, 7) Side - 20 ft (FNs 2, 7) Rear – 15 ft (FNs 2, 7)	Waived, setbacks to be as depicted on Site Plans. 42 ft (Maint. Bldg.) 18 ft (Parking Garages) 12 ft

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VI.B	Table of Dimensional and Density Regulations	Dimensional and Density Regulations for Accessory Structures Located within the RRA and HB Districts	Dimensional and Density Requirements for Accessory Structures within the HB District (FN16) are as follows: Min. Setbacks: (FN 17 exemptions) Front – 50 ft (FNs 1,2,7) Side - 10 ft (FNs 2, 7) Rear – 12.5 ft (FNs 2, 7)	307 ft. 11 ft. 50 ft.
Section VI.C	Dimensional and Density Regulations	Determination of Lot Areas	The lot, setback areas, or open space required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this bylaw, nor may those areas include any property of which the ownership has been transferred subsequent to the effective date of this bylaw, if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made, except that this provision shall not apply to the part of the lot remaining after a taking or conveyance for a public purpose.	Waived.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VI.D	Dimensional and Density Regulations	Separation of Lots	Lots shall not be separated or transferred in ownership so as not to comply with the provisions of this bylaw; nevertheless, any lot on which more than one house existed at the time of the adoption of the Protective Zoning Bylaw may be divided and sold to separate owners and used with the minimum of non-conformance.	Waived. To be governed by Comprehensive Permit Decision.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VI.E	Dimensional and Density Regulations	Screening Requirements	Screening shall be required in the minimum side and rear setbacks of any new wholesale, transportation, industrial, commercial or multi-family use in all districts. Screening shall consist of fencing and/or densely planted vegetation along the entirety of each side and rear lot line. Vegetative screening shall be at least ten (10) feet in width, except where a use abuts a Rural or Intown Residence district boundary, in which case it shall be twenty (20) feet along the district boundary. Low impact development integrated stormwater management practices, such as bioretention cells and vegetated swales, may be located within the vegetative screening setback areas, provided they are done so in a manner that does not prevent the screening from meeting the objective of providing a year-round vegetated buffer between properties. Where a lot is divided by a district boundary, use of the lot within another district may be used to comply with the rear and side screening requirements as set forth in this bylaw. Screening shall provide a year-round buffer between properties and, where plant materials are utilized, shall be species appropriate to the climate and terrain of the property.	Waived. Screening and landscaping to be as depicted on the Site Plans.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VI.E	Dimensional and Density Regulations	Screening Requirements [CONT'D]	By special permit, the Zoning Board of Appeals may approve alternative screening or alternative height, setback, or location thereof, unless the principal use is subject to special permit approval by the Planning Board, or is subject to site plan review, in which case said Planning Board may approve by special permit such alternative screening. In considering an alternative screening, the Zoning Board of Appeals or the Planning Board, as applicable, may consider approval of such alternative screening or approval of an alternative height, setback, or location thereof only if the applicant submits to said applicable Board a landscape plan prepared and stamped by a registered landscape architect.	Waived. See above.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VI.F	Dimensional and Density Regulations	Requirements for Accessory Buildings And Structures	An accessory building or structure may be located in accordance with the Table of Dimensional and Density Regulations (Accessory Buildings and Structures) and footnote 2 to said table; shall be located on the same lot as the principal building or use provided that not more than twenty-five (25) percent of a minimum lot area shall be so occupied; shall not be located less than five (5) feet from the principal building; there are no attached decks or porches or other similar structures unless the accessory building or structure is used for habitation, and provided that the deck or porch or other similar structure is no more than sixty-four (64) square feet in size and open to the sky. ...Accessory buildings and structures greater than seven hundred and fifty (750) square feet in area or more than twenty-five (25) feet in height, and located on lots less than five acres in size in the residential districts, shall be allowed only by ZBA special permit.	Waived. Accessory structures to be located as depicted on the Site Plans.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VI.G.2	Dimensional and Density Regulations	Other general Dimensional and Density Requirements	Max. building height is 3 stories and 45 feet, except in RRA Districts, the max. building height is 3 stories and 37 feet.	A waiver is required to enable the Project to provide for a maximum of 4 stories and a maximum building height of 50 feet for a 40-unit building, all as depicted on the Site Plans.
Section VI.G.4	Dimensional and Density Regulations	Other general Dimensional and Density Requirements	Lots lying in an IR or RRA/RRB/RRC District shall not be narrower than fifty (50) feet or one hundred twenty-five (125) feet, respectively, between side lot lines at any point between the frontage street and the front side of the principal building.	Waived, with Lot as depicted on the Site Plans.
Section VI.H	Dimensional and Density Regulations	Lots Situated in More Than One District	Such lots shall be subject to the Dimensional and Density Regulations which apply to the Zoning District in which the development is proposed, provided, however, if such development is proposed to be located on portions of the lot situated in more than one Zoning District and if the conditions of Footnote 8 of the Table of Dimensional and Density Regulations are met, then the provisions of said Footnote 8 may be utilized.	Waived. Dimensional and density shall be as depicted on the Site Plans.
Section VII.B.1	Off-Street Parking and Loading Regulations	Off-Street Parking for Residence Use	One and One-Half Spaces Per Dwelling Unit, or 291 Parking Spaces Required	309 Parking Spaces, or an average of average of approximately 1.59 spaces per unit proposed.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VII.J	Off-Street Parking and Loading Regulations	Location of parking Facilities	Minimum off-street loading requirements shall be required in accordance with the formulae set forth below for every new structure, new use, enlargement of an existing structure and/or change in an existing use. Where the structure is enlarged and/or there is a change in the existing use, the formulae shall apply only to the enlargement and/or change. Off-street loading areas shall be provided in accordance with the TABLE OF LOADING REQUIREMENTS, and for Residential Multi-Family, requires 1 space for up to 20,000 sf of GFA, and one space per each additional 100,000 s.f. unless the Planning Board approves an alternative arrangement by Special Permit.	Waived to provide no loading spaces for the Project.
Section VII.K	Off-Street Parking and Loading Regulations	Design Standards For Parking Facilities	Various parking angle, stall depth and width, aisle width, and curb length for parking	Waived. Parking to be as depicted on the Site Plans.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VII. O	Off-Street Parking and Loading Regulations	Surfacing, Drainage and Curbing	All parking facilities shall be graded, surfaced with non-erosive material, and drained in an adequate manner to prevent nuisance of erosion or excessive water flow across public ways or abutting properties. To reduce stormwater discharge and improve the attenuation of pollutants, low impact development integrated stormwater management practices, to the extent feasible, shall be incorporated into parking facilities of twenty (20) or more spaces. Techniques that limit the overall impervious coverage of the parking facility, such as replacement of bituminous concrete with pervious pavers or porous asphalt, are strongly encouraged where appropriate. For additional guidance on possible techniques, applicants should refer to the Ipswich General Bylaw entitled "Ipswich Stormwater Management Bylaw." Entrance and exit driveways shall be defined clearly with curbing, signs, and pavement markings. Parking and loading spaces shall be marked clearly in accordance with dimensions specified in subsections J, K, and M above.	Waived, parking facilities to be shown as depicted on the Site Plans.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VII. P	Off-Street Parking and Loading Regulations	Landscaping	<p>Parking areas with ten (10) or more parking spaces require vegetative or structural buffers on the perimeter of all parking areas to prevent direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise, or exhaust fumes onto adjacent properties, and to provide the parking area with a reasonable measure of shade when trees reach maturity; vegetative or structural buffers shall be no less than five (5) feet high...and may be a hedge, wall, fence, berm or combination of these choices; height of any buffer shall decrease where driveways approach sidewalks, walking paths, and streets in order to provide adequate visibility of pedestrians from motor vehicles and to maintain a clear line of sight for vehicles entering the roadway. At least 10% of internal area of a paved parking facility, exclusive of perimeter landscaping, to be planted with landscaped island areas. If feasible, landscaping materials used in islands or in the perimeter areas of parking lots shall be drought resistant and salt tolerant non-invasive species, and such areas shall be designed to receive and accommodate runoff. Landscaping shall be subject to the reasonable approval of the Planning Board, for all projects which require Site Plan Review approval or a Planning Board Special Permit.</p>	To be governed by Landscaping Plan included with Site Plans and listed in the Comprehensive Permit Decision.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section VIII, VIII.D.VIII.I, and Table A: Permanent Sign Allowance By Type and District; Table B: Maximum Number and Area of Permanent Signs Allowed by District; and, Table C: Temporary Sign Allowance.	Signs	Signs Permitted Within the RRA and HB Zoning Districts	Section VIII.D.,I. and Appendix A, allows one free-standing sign per main entrance of any subdivision, ..., or multi-family residential development, which shall not exceed twelve (12) square feet in area, six (6) feet in height, with a 14-inch maximum letter height. The sign shall be no closer than five (5) feet to the edge of street pavement, and the sign shall not impair visibility or ability to use any public way or area, within an RRA District, and one freestanding sign of up to 40 s.f. in size, up to 10 feet in height, with a maximum letter height of 14 inches is allowed within an HB District..	Waived to allow two externally illuminated freestanding signs, where one free-standing sign per main entrance to the Project would be located, and each such sign shall not exceed twelve (12) square feet in area, six (6) feet in height, with a 14-inch maximum letter height. The signs shall be no closer than five (5) feet to the edge of street pavement, and the sign shall not impair visibility or ability to use any public way or area. Also allow directional signs as depicted on the Site Plans, as well as one temporary non-illuminated construction sign of no more than sixty-four (64) square size from the commencement until completion of construction all as may be shown on the Site Plans.
Section IX.A.6, IX.E., and III.	Special Regulations, Definitions	Common Driveways	Allows common driveways providing access to no more than two (2) residential lots over a common driveway, subject to conditions.	Waived. Driveways to be depicted as shown on the Site Plans.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section IX.I	Special Regulations	Inclusionary Housing Requirements	Requires that ten percent of the units in any multi-family residential development of ten units or more (the "Affordable Housing Units") requiring a special permit shall be sold or rented to households with incomes at or below ... sixty (60) percent (%) for rental housing of the Median Regional Household Income"and other requirements.	Waived. Project to comply with the affordability requirements of Chapter 40B as well as the Project subsidy program, all as described in the Comprehensive Permit Decision.
Section XI.K	Special Regulations	Design Review	Requires any project subject to a special permit application for a multi-family dwelling or multi-family development to undergo review by the Design Review Board in accordance with standards and regulations related thereto.	Waived. Project design to be reviewed by the ZBA as depicted in the Site Plans listed in the Comprehensive Permit Decision.
Section X.	Site Plan Review	Site Plan Review	Review of Project in accordance with site plan review standards.	Waived. Review to be conducted by the ZBA with Project features to be listed on Site Plans approved as a part of the Comprehensive Permit Decision.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
XI.A	Administration	Enforcement	This bylaw shall be enforced by the Building Inspector who may institute appropriate legal proceedings to enforce the provisions of this bylaw or to restrain by injunction any violation thereof, or both, and shall do all further acts, revoke the certificate of use and occupancy, institute and take any and all such action as may be necessary to enforce the provisions of this bylaw. If the Building Inspector is requested in writing to enforce this bylaw against any person allegedly in violation of same, and he declines to act, he shall notify in writing the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request.	Waived to the extent that the Building Inspector may enforce the Zoning Bylaw as modified and waived under the Comprehensive Permit Decision.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
XI.E	Administration	Violations	The Building Inspector shall serve a notice of VIOLATION AND ORDER to any person responsible ... any violation of any approved plan, information, or drawing pertinent thereto; or in violation of a permit or certificate issued under the provisions of this bylaw, or in violation of this bylaw, and such order shall direct the immediate discontinuance of the unlawful action, use, or condition and the abatement of the violation.	Waived to the extent that Building Inspector may serve and prosecute violations of the Zoning Bylaw, as modified by the waivers granted in the Comprehensive Permit Decision.

PROTECTIVE ZONING BYLAW – TOWN OF IPSWICH, MASSACHUSETTS, DATED MAY 7, 1977, AS AMENDED THROUGH NOVEMBER 7, 2017 (ZONING BYLAW)				
CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section XI.B	Administration of Zoning Bylaw	Permits, Certificates Required	--Building Inspector shall issue no building or shed permit except for work in conformity with the provisions of this bylaw. --No building hereafter erected, altered, or moved shall be used and no change shall be made of the use of any building or any parcel of land, ...unless a certificate of use and occupancy signed by the Building Inspector has been granted to the owner or occupant of such land or building....Such certificate shall not be granted unless the proposed use of the land or building and all accessory uses comply in all respects with this bylaw, and no use shall be made of such land or building except the use or uses authorized by such certificate of use and occupancy.	Waived to the extent provisions of Zoning Bylaw are waived in Comprehensive Permit Decision. A waiver is necessary to enable the development of the Project in compliance with Zoning Bylaw provisions except for those conditions waived by the Comprehensive Permit Decision.

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CODE/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section XI.E	Administration	Violations	The Building Inspector shall serve a notice of VIOLATION AND ORDER to any person responsible for the erection, construction, reconstruction, conversion, alteration of a building or structure or change in use, or extension or displacement of use of any building, structure, sign, other structure or lot in violation of...the [Zoning bylaw]...	Waived to the extent provisions of Zoning Bylaw are waived in Comprehensive Permit Decision.
Section XI.I	Administration	Compliance with Zoning Bylaw	Board of Selectmen may at their reasonable discretion impose as an essential condition on the issuance and/or renewal of any permit and/or license which they are authorized to issue or renew, the requirement that there are and will be during the term, or terms, of such permit and/or license no violation(s) of the Protective Zoning Bylaw conducted and/or permitted on the lot on which such permit or license is located by anyone, including, but not limited to, the Permittee or Licensee.	Waived. Enforcement of the Zoning Bylaw or other Town requirements pursuant to local requirements to be enforced by the Building Inspector, except to the extent that such local requirement is waived as a part of this Comprehensive Permit Decision.
Section XII. – Site Plan Approval	Site Plan Review.	Site Plan Review.	Section XII.B.6 requires site plan review for the construction of a multifamily dwelling.	Waived. To be governed by Comprehensive Permit.

TOWN OF IPSWICH COMPREHENSIVE PERMIT RULES OF ZONING BOARD OF APPEALS (ADOPTED APRIL 14, 2011)				
REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Section 3.01(a)(viii)	Submission Materials	Documents Required to be Filed With Application	Requires copy of all materials submitted to the subsidizing agency to be filed with the Board to allow the Board to periodically confirm that the applicant continues to fulfill the project eligibility requirements of 760 CMR 56.04(1).	Waived. A letter of project eligibility documenting the requirements of the subsidizing agency has been filed with the Board, and it is the Subsidizing Agency's sole jurisdiction to confirm project eligibility requirements are met by the Applicant.
Section 3.01(a)(ix)	Submission Materials	List of Exceptions.	Waivers filed with application must include an analysis of... the location on the plans for the waiver ...	Waived. To be governed by Section 56.05(2)(h) of the 40B Rules.
Section 3.01(b)(iii)	Submission Materials	Long Term Monitoring	Requires submittal of cost estimate to implement the long-term monitoring plan.	Waived. Rules is inconsistent with Section 56.05(1) of the 40B Rules and is within the sole purview of Subsidizing Agency.

TOWN OF IPSWICH (OTHER LOCAL REQUIREMENTS)				
REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Sewer Regulations	Sewer Regulations, Town of Ipswich, Massachusetts, Adopted July 9, 1979 Amended through August 1, 2000	Technical, administrative, permit and fee requirements in connection with connections to the Town's Sewer System	No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Engineer.	Waive all requirements to apply to the DPW, Wastewater Department, and/or Board of Health in connection with sewer connections, extensions and hookups, including connection and mitigation fees, and except for the technical review of the plans to ensure appropriate engineering practices and compliance with state requirements, and except for sewer use fees customarily charged for such sewer discharge usage.
Water Regulations	Town of Ipswich Massachusetts Water Rules and Regulations, Adopted on December 20, 1978, as amended.	Technical, administrative, permit and fee requirements in connection with connections to the Town's Water System	All applications for water must be made at the Water Division Office and be signed by the owner of the premises supplied. Such application shall constitute a contract between the Water Division and the applicant, his heirs and assigns. All applications for the use of water in new construction shall be made at the same time as the building permit is applied for.	Waive all requirements to apply to the Water Department in connection with water connections, extensions, service and hookups, including connection and mitigation fees, except for the technical review of the plans to ensure appropriate engineering practices and compliance with state requirements, and except for water use fees customarily charged for such water usage.

Town Fee, Bond and Security and Related Requirements	Town Fee, Bond and Security and Related Requirements			Waive all fee, bond and surety requirements except as provided in the Comprehensive Permit.
Waivers from Town of Ipswich Local Requirements	Waivers	Waivers	Waivers not requested but shown on Approved Plans.	Waived. To the extent that the Site Plans approved by the Board show the need for additional waivers not expressly set forth in the list of approved waivers granted as a part of the Comprehensive Permit Decision, the Applicant requests that these waivers shall also be deemed granted.