



Waiver Request Memorandum

From: Conor McCormack, Director of Planning & Development

To: Millbury Board of Appeals

17 Rice Road

Application:	Ch. 40B Comprehensive Permit
Applicant:	SJV Investments, LLC
Location:	17 Rice Road Map 63; Lots 75, 75A, 75B, 75C & 144
Application Submitted:	October 31, 2023
Legal Ad Publication Dates:	November 9, 2023 & November 16, 2023
Public Hearing Opened:	November 29, 2023

Pursuant to the Board's *Rules and Regulations Governing Comprehensive Permit Applications in Ch. 40B* and Ch. 40B Comprehensive Permit regulations outlined in 760 CMR 56.00, the Applicant must provide the Board a list of requested waivers. The Applicant provided an updated waiver request list on Feb 21, 2024.

Below is a list of requested waivers. The Board will have to determine if they are amenable to granting the waivers.

Waivers requested by the Applicant from the *Rules and Regulations Governing Comprehensive Permit Applications in Ch. 40B* (Ch. 40B Rules & Regs):

1. Ch. 40B Rules & Regs – Section 3.12 – Master Plan Consistency Repost
2. Ch. 40B Rules & Regs – Section 3.13.10 – Architectural floor and elevation plan sheets that are signed and stamped by an architect.
 - a. *Plans were provided but not stamped.*
3. Ch. 40B Rules & Regs – Section 3.13.10.1 – Floor plan shall be drawn at a scale of 1/4"=1'.
 - a. *Floor plans are drawn at a scale of 3/32"=1'.*
4. Ch. 40B Rules & Regs – Section 3.13.10.2 – Architectural scaled drawing of the clubhouse and garages.

Waivers requested by the Applicant from the *Town of Millbury Zoning Bylaws (ZBL)*:

5. ZBL Section 12.44(a) – Site plan shown with 1' contour lines.
6. ZBL Section 12.44(c) – Isometric line drawing



7. ZBL Section 23.2
 - a. Requirement that a Multi-Family dwelling does not require the use of a “minor street” in Suburban zoning districts.
 - i. *Rice Road not included on list of “major roads” in the ZBL definitions.*
 - b. Required minimum lot size for the proposed number of units + bedrooms.
 - i. *57.16 acres required. 15.6 acres provided.*
8. ZBL Section 23.3 – Maximum height allowance in the Suburban-II zoning district – 30ft.
 - a. *65.5ft. proposed*
9. ZBL Section 32.6 – Requirement that each multi-family structure is served by access equivalent to that required for separate lots under the Subdivision Rules & Regulations.
 - a. *The proposed internal access drives are 24’ wide. Subdivision Rules & Regulations require 32’ paved access drives for subdivisions of 150+ units.*
10. ZBL Section 32.6 – Minimum parking requirement.
 - a. *498 parking spaces required, 310 proposed.*

Additional information and updates to the plan are outstanding from the Applicant, as noted in Planning staff comments. The Applicant has indicated that they plan to address them in subsequent iterations of the plan. Should these items not be addressed, they may require additional waivers or be included as conditions of approval.