

## LIST OF WAIVERS

The Applicant requests that a Comprehensive Permit for the Project, as shown on the Plans, be issued in lieu of the requirement that the Applicant apply to the individual local boards, departments and officials separately and that waivers from Local Requirement and Regulations, as defined under Section 56.02 of the Chapter 40B Regulations (760 CMR 56.00), be granted as set forth below.

Applicant seeks waivers for the proposed St. Ann's Village Project, a 60-unit rental project ("Project"), as shown on the plans submitted by the Applicant (and as they may be revised during the public hearing process and the conditions contained within the Comprehensive Permit Decision) (the "Final Plans"), from the Town of Wayland's Local Requirements and Regulations in effect as of the date of the filing of the Comprehensive Permit Application with the Town of Wayland Zoning Board of Appeals, as set forth below, for all municipal Boards and Departments, including, but not limited to, the following Boards: Board of Health, Select Board, Conservation Commission, Historic Commission, Historic District Commission, Planning Board and the Zoning Board of Appeals and the following Departments: Building Department, Fire Department, Police Department, Planning Department, Health Department, and Department of Public Works.

The Applicant reserves the right to amend the requested Waivers during the public hearing process.

The Applicant requests the following specific waivers from the Zoning Board of Appeals ("ZBA") for the Project from the following Local Requirements and Regulations:

Note 1: 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 for informational purposes only.

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TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)				
BYLAW/REG.	TITLE	DESCRIPTION	REQUIRED	<u>PROPOSED</u>
Article 2 §198-205	Administration and Enforcement	Enforcement	<p>No building permit may be issued for construction of any building or structure if, as constructed, would be in violation of this Zoning Bylaw.</p> <p>No building permit may be issued under any application of any kind unless the intended use of any building, structure or lot under such permit, shall be in conformity with the Zoning Bylaw</p>	<p>Waived to the limited extent that Zoning Bylaw is modified by waivers granted in the Comprehensive Permit Decision pursuant to G.L. c. 40B. Building Inspector to maintain authority to enforce the Comprehensive Permit Decision, as well as portions of the Zoning Bylaw not waived by this Comprehensive Permit.</p>

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TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)				
BYLAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 5 §198-501.1	General Regulations	Signs and Exterior Lighting	Only those signs and exterior lighting as pertain to buildings, structures, or uses permitted in this Zoning Bylaw and on the same lot are permitted subject to yard requirements. Signage in residential districts shall be limited to that which is permitted by other sections of this Bylaw. Signage in districts other than residential districts may not exceed 40 square feet of area and 15 feet in height, including supporting structures and light sources. Signs attached to buildings may not rise above the front roofline of the building to which it is attached. Signage in excess of that which is permitted may be allowed with a special permit issued by the special permit granting authority with appropriate jurisdictional responsibility for site plan approval, as provided for in § 198-603. The sign dimensions set forth in this Zoning Bylaw apply in the aggregate to all signs on the lot.	Waived. Signs and lighting to be as depicted on the final Site Plans and are to be governed by Comprehensive Permit.

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TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)				
BYLAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 5 §198-502	General Regulations	Temporary Signs	<p>Real estate signs are permitted in all districts as of right, but shall refer only to the building, structure, or lot on which they are located and have an area not exceeding six square feet.</p> <p>One contractors sign, not exceeding nine square feet in area, maintained on the lot while a building is actually under construction or being renovated is permitted. No more than one contractors sign may be on the lot at any one time.</p> <p>Nonresidential site development signs either one wall-mounted or freestanding sign, erected at the development entrance from a street. The sign shall not exceed 15 square feet, and may bear decorative or logo devices, but no commercial advertisement. For nonresidential site development, the sign shall not be erected prior to the issuance of a building permit and shall be removed upon completion of construction or the issuance of a certificate of occupancy, whichever comes first.</p>	Waived to allow developer and general contractor place multiple mandated signs for compliance with DEP, OSHA, ingress/egress, contacts, safety, team/financing identity.

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<b>TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)</b>				
<b>BYLAW/REG.</b>	<b>TITLE</b>	<b>DESCRIPTION</b>	<b>REQUIRED</b>	<b><u>PROPOSED</u></b>
Article 5 §198-504	General Regulations	Earth Movement	No earth in excess of 1,500 cubic yards may be moved on any lot in any district which requires a minimum lot area of 40,000 square feet or more unless a special permit from the ZBA is obtained in accordance with the procedure provided in § 198-203, and only under such conditions as the ZBA may impose, except where the amount of earth to be moved is limited to the volume of the foundation and basement of the principal building or structure, or installation of septic systems, driveways, and walkways. The quantity of material to be moved shall be certified by a registered professional engineer or land surveyor.	Waived. Comprehensive Permit Decision shall provide all local permits per M.G.L. Chapter 40B. Any required earth removal to be approved by the ZBA as part of the Comprehensive Permit Decision.  See also Note 1 above.

TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)				
BYLAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 5 §198-506, including §198-506.1.10 §198-506.5 (location) §198-506.7 (design standards) §198-506.8 (landscaping)	General Regulations	Off-street Parking	<p>506.1. Project parking space requirements are as determined by the Site Plan Approval Granting Authority.</p> <p>506.5.1. Off-street parking facilities may be required either on the same lot with the parking-generating activity or on any lot or premises a substantial portion of which is, at least, within 300 feet of such activity.</p> <p>506.7.3. If lighting is provided, the source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent lots.</p> <p>506.7.4. For off-street parking facilities of 10 or more spaces, bicycle racks facilitating locking, shall be provided to accommodate one bicycle per 10 parking spaces.</p> <p>506.8.1. Parking facilities immediately adjacent to a residence district shall be adequately screened year round from view from said residence district by trees, hedges or a tight fence.</p> <p>506.8.2. For all off-street parking facilities that are not enclosed within a building or structure, 10% of the parking facility shall be landscaped.</p>	Waived. Project will provide a total of no less than 60 off-street parking spaces, or an average of at least 1.0 space per unit, as located, designed and landscaped as shown on the Site Plan.

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<b>TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)</b>				
<b>BYLAW/REG.</b>	<b>TITLE</b>	<b>DESCRIPTION</b>	<b>REQUIRED</b>	<b><u>PROPOSED</u></b>
Article 5 §198-508 §198-508.4	General Regulations	Design Review Board	All applications for building permits, site plan approval, special permits or variances for all nonresidential uses involving new construction and all commercial signs shall be submitted to the Design Review Board.	Waived, if applicable. To be governed by Comprehensive Permit.
Article 6 §198-601 through §198-609, and Chapter 302 Site Plan Review and Approval Regulations	Site Plan Review	Site Plan Approval	601.1. No change in use of an existing structure or lot shall be permitted and no area for parking, loading or vehicular access shall be established or substantially altered unless a site plan has been approved as required by this Article 6. 602.1. SPA shall be a prerequisite to the issuance of any special permit, permit and/or variance required by this Zoning Bylaw, unless excepted from SPA by § 198-601.2.2 above. 602.2. No person shall undertake any improvement or alteration, and no building permits shall be issued for any such proposal, until SPA, as certified by the Planning Board or its agent, has been issued for such proposal or until the completed certification form referenced in § 198-601.6 above has been received by the Building Commissioner.	Waived. To be governed by Comprehensive Permit.

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<b>TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)</b>				
<b>BYLAW/REG.</b>	<b>TITLE</b>	<b>DESCRIPTION</b>	<b>REQUIRED</b>	<b><u>PROPOSED</u></b>
Article 7 §198-701	Area, Yard and Bulk Regulations	Height Regulations	The limit of height of all buildings and structures in Single Residence Districts shall comply with § 198-801, Table of Dimensional Requirements, except that schools and, on lots of five acres or greater in area, dwellings may be three stories high, but may not exceed the maximum allowed heights for buildings and structures set forth in § 198-801, Table of Dimensional Requirements.	Waived. Height to be as described in waivers under Article 8, §198-801 below, and as depicted on Site Plans and as described in the Comprehensive Permit.
Article 7 §198-702	Area, Yard and Bulk Regulations	Setbacks	All buildings or structures in any district shall comply with the setbacks in § 198-801, Table of Dimensional Requirements. Exempt from the setback requirements of this paragraph are roof eaves, stoops, stairs, bulkheads, chimneys and bay windows; and fences and walls up to six feet in height from the existing natural ground level.	Waived. To be governed by setbacks as described in waivers under Article 8, §198-801 below, and as depicted on Site Plans and as described in the Comprehensive Permit.



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TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)				
BYLAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 7 §198-703 §198-703.1 §198-703.2	Area, Yard and Bulk Regulations	Yards	703.1. Behind every building or structure there shall be provided a backyard between the rear line of the building or structure and the rear lot line meeting the setbacks in § 198-801, Table of Dimensional Requirements.... A backyard may contain accessory buildings or structures, each of which may not be more than 1 1/2 stories high and that together may not cover more than 30% of the backyard, and none of which may extend within 10 feet of any lot line... 703.2. At each side of a building or structure there shall be a side yard meeting the setbacks in § 198-801, Table of Dimensional Requirements.	Waived. To be governed by setbacks as described in waivers under Article 8, §198-801 below, and as depicted on Site Plans and as described in the Comprehensive Permit.

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TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)				
BYLAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Article 8 §198-801	Dimension and Use Tables	Table of Dimensional Requirements	<p>801.1. Requirements as to area, lot coverage, frontage, setbacks and height for a building or structure enlarged or erected pursuant to a permit issued on or after June 1, 1982 which is located within the Residence Zone 40,000 square feet Zoning District.</p> <p>Min. Lot Area: 40,000 s.f. &amp; FN#15</p> <p>Min. Frontage: 180 Feet</p> <p>Min. Front Yard Setback From Lot Line: 30 Feet &amp; FN#2</p> <p>Min. Front Yard Setback From ROW Center Line: 55 Feet</p> <p>Min. Side Yard Setback: 25 Feet</p> <p>Min. Rear Yard Setback: 30 Feet</p> <p>Max. Height: Lesser of 2.5 stories or 35 Feet from avg. grade &amp; FN#4</p> <p>Max. Lot Coverage: 20%</p>	<p>Waived as to the particular dimensional requirements below, and as depicted in the Site Plans.</p> <p>No changes are proposed to the preexisting rectory.</p> <p>401,487 s.f.</p> <p>399 ft.</p> <p>25 ft.</p> <p>50 ft.</p> <p>75.2 ft.</p> <p>650 ft.</p> <p>45 ft., 3 stories <u>[waiver]</u></p> <p><del>←20% Lot Coverage</del> <u>5%</u></p>

<b>TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)</b>				
<b>BYLAW/REG.</b>	<b>TITLE</b>	<b>DESCRIPTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
Article 8 §198-802, 802.1.6, 803	Table of Permitted Principal Uses by Districts.	Table of Permitted Principal Uses	<p>802.1.6. All uses set forth in this Table of Permitted Principal Uses by Districts shall conform to all other requirements contained in this Zoning Bylaw; and, in the event of a conflict between this Table of Permitted Principal Uses by Districts and any other provisions of this Zoning Bylaw, this § 198-802 shall prevail; and the Classification of Principal Uses, § 198-803, below, shall be considered as part of said section and shall likewise prevail in the event of such conflicts. The special permit requirement shall not apply to uses protected under MGL c. 40A, § 3.</p> <p>Use Category 19. "Earth removal" allowed only by Special Permit, and Use Category 57. "Dwelling, Multi-family" and FN2 -- Multi-family dwellings only allowed by special permit under Article 18 Conservation Cluster Development District.</p> <p>See Note 1.</p> <p>See also, Article 9 below.</p>	<p>Waived. Allow use of the Property for no less than a total of 60 multifamily age-restricted (62+) rental units in a single building, the removal and movement of earth necessary to allow for the construction of Project improvements, and other appurtenant uses customary to such residential uses, and associated improvements, all as may be depicted in the Final Plans. Also allow the rectory building, the church, and related building uses and parking on such real property to lawfully continue and exist and to co-exist with the Project uses and structures on the Property (including the ground leased premises).</p>
Article 8 §198-803.5	Dimension and Use Tables	Prohibited Uses	All uses not specifically permitted by Zoning Bylaw are prohibited.	Waived. To allow uses as listed above and as provided by Comprehensive Permit.

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Article 8 §198-804, §198-805.1.1	Dimension and Use Tables	Table of Accessory Uses; Accessory Use Classification	<p>804.1.The Table of Permitted Accessory Uses by Districts sets forth the permitted accessory uses of land, buildings and structures in each zoning district as set forth in the various provisions of this Zoning Bylaw for uses commencing on or after June 1, 1982. All uses set forth in this table shall conform to all other requirements contained in this Zoning Bylaw, and in the event of a conflict between this Table of Permitted Accessory Uses by Districts and any other provisions of this Zoning Bylaw, this § 198-804 shall prevail; and the Classification of accessory uses, § 198-805, below, shall be considered as part of said section and shall likewise prevail in the event of such conflicts.</p> <p>804.1.1. A use listed in said table is permitted as of right in any district under which it is denoted by the word "yes." Uses denoted by the word "no" shall be prohibited.</p> <p>Excluding walkways and driveways from accessory uses. 805.1.1.9. Office, provided that it is conducted as an accessory use and that there is no display of advertising, except for a small professional nameplate.</p>	<p>Waived. Allow accessory accessory uses, including without limitation, utilities, generator, and management/leasing office, resident indoor and outdoor common area spaces, related customary accessory uses, parking, access, water and stormwater management improvements and appurtenances, subsurface septic system, 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, including but not limited to, bicycle facilities, and fences, all as may be depicted in the Final Plans, as further provided by the Comprehensive Permit.</p>
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<b>TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)</b>				
<b>BYLAW/REG.</b>	<b>TITLE</b>	<b>DESCRIPTION</b>	<b>REQUIRED</b>	<b><u>PROPOSED</u></b>
Article 9 §198-901.1.1.3	Single Residence District	Permitted Uses in a Single Residence District	<p>§ 198-901. Permitted uses. 901.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables.</p> <p>§ 198-901. Permitted uses.</p> <p>901.1.5.2. Allows housing for elderly persons of low income, and 901.1.5.3. Allows subsidized multifamily dwelling for persons of low income, including adequate parking areas therefor, as defined by MGL c. 121B, §§ 1, 38, 39 and 40, but only if constructed by the Wayland Housing Authority as permitted in the Table of Principal Uses by District, § 198-802.</p>	Waived. Allow those principal and accessory uses as described above.
Article 22, AND WAYLAND PLANNING BOARD RULES AND REGULATIONS For AFFORDABLE HOUSING SPECIAL PERMITS	Inclusion of Affordable Housing			Waived. Project to comply with the affordability requirements of Chapter 40B and the Subsidizing Agency as described in the Comprehensive Permit Decision.

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TOWN OF WAYLAND GENERAL BYLAWS (A AMENDED THROUGH MAY 1, 2023)				
REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED
Chapter 193 Stormwater and Land Disturbance			No person shall alter land within the Town of Wayland without having obtained a Stormwater Management and Land Disturbance Permit (SMLDP) from the Conservation Commission for the property, unless exempt.	Waived. Stormwater Management to be in compliance with MADEP Stormwater Management Policy implemented through the Massachusetts Wetlands Protection Regulations, 310 CMR 10.00, as well as the requirements of the US EPA Construction General Permit for Massachusetts, all as provided in the Comprehensive Permit Decision.

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Chapter 194 Wetlands and Water Resource Protection; and, "Chapter 194 RULES AND REGULATIONS (Rev. June 12, 2014).			No person shall remove, fill, dredge, build upon, discharge onto or otherwise or alter any bank, freshwater wetland, marsh, bog, wet meadow, swamp, vernal pool, creek, river, stream, pond or lake or any land under said waters, or any buffer zone, or any land subject to flooding or inundation, or riverfront area other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services without first filing either a request for a determination (RDA) of applicability or a notice of intent (NOI) to so remove, fill, dredge, build upon, discharge, or otherwise alter, including such plans as may be	Waived. Project will comply with Massachusetts Wetlands Protection Act. M.G.L. c. 131 §40 and 310 CMR 10.00 et seq.
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			necessary to fully describe such proposed activity and its effect on the environment and without receiving and complying with a permit issued by the Conservation Commission.	
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TOWN OF WAYLAND – BOARD OF HEALTH REGULATIONS FOR ON-SITE SUBSURFACE SEWAGE DISPOSAL SYSTEMS AND WATER TREATMENT FACILITIES				
REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED
<del>II. APPLICABILITY; IV. PERMITTING PROCESS; V. SEPTIC DESIGN REQUIREMENTS; and, V. SEPTIC DESIGN REQUIREMENTS</del>			<del>No system or facility to be used for treating, neutralizing, stabilizing, or disposing of wastewater from homes, public buildings, commercial or industrial buildings, or any other types of establishments, shall be located, constructed, altered, repaired or installed until a permit for such location, construction, alteration, repair or installation has been issued by the BOH.</del>	<del>Waived all procedural and substantive requirements for submittal to Board of Health as Zoning Board of Appeals is authorized to issue all local approvals. Project will comply with 310-CMR 15.00 et seq.</del>



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<p><u>V. SEPTIC DESIGN REQUIREMENTS</u></p>			<p><u>In addition to the requirements of 310 CMR 15.000, the requirements of Section IV.A.1-4, above, and the items listed below apply to all septic systems:</u>  <u>A. Names of all direct abutters from recent tax maps including lot, street number, and address. B. Surface Grading and Drainage: Sufficient additional elevations shall be shown to clearly indicate how surface drainage is to be managed. C. Tanks, Pump Chambers, Grease Traps, And Distribution Boxes:</u>  <u>1. All tanks, pump chambers, and grease traps must be monolithic</u>  <u>2. All septic tanks must contain two compartments, or two tanks in series may be utilized to satisfy this requirement.</u>  <u>3. Gas baffles are required on all outlet tees, even when an effluent filter is present, unless the specific filter housing does not allow it.</u></p>	<p><u>Waived. Project will comply with 310 CMR 15.00 et seq.</u></p>
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			<u>4. Distribution boxes shall be capable of withstanding H-20 loads, shall have a minimum of a two-inch thick sidewall, and access covers shall also be raised to within six inches of finished grade with a watertight riser and cast iron manhole frame cover that are a minimum of 20 inches in diameter.</u>	
<u>V.D.1. SEPTIC DESIGN REQUIREMENTS</u>	<u>SOIL ABSORPTION SYSTEMS</u>		<u>Excepting from the flow calculations under 310 CMR 15.00 New Construction, Residential 165 Gal/day Dwelling Units (per bedroom)</u>	<u>Waived. Project will comply with 310 CMR 15.00 et seq. 110 gal/day per bedroom</u>
<u>V.D.3. SEPTIC DESIGN REQUIREMENTS</u>	<u>SOIL ABSORPTION SYSTEMS</u>		<u>For systems with a design flow of 1,000 gpd or greater, the separation distances to the high groundwater elevation shall be determined by adding the effect of groundwater mounding to the high groundwater elevation as determined pursuant to Title 5. Groundwater mounding calculations shall be submitted to the Board of Health for review with plan submittal.</u>	<u>Waived. Project will comply with 310 CMR 15.00 et seq.</u>

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<u>V.D.4. SEPTIC DESIGN REQUIREMENTS</u>	<u>SOIL ABSORPTION SYSTEMS</u>		<u>The minimum clear distance between leaching trenches shall be ten feet when the space between the trenches is utilized as expansion area and these expansion/reserve trench area shall be centered in between the active trenches.</u>	<u>Waived. Project will comply with 310 CMR 15.00 et seq.</u>
<u>V.D.6. SEPTIC DESIGN REQUIREMENTS</u>	<u>SOIL ABSORPTION SYSTEMS</u>		<u>A velocity reducing tee shall be provided and a concrete splash pad centered beneath the inlet pipe of all Chambers, Gallery and Pit structures. Each individual group of pits must have a riser installed to within 9 inches of final grade.</u>	<u>Waived. Project will comply with 310 CMR 15.00 et seq.</u>

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<u>V.D.7. SEPTIC DESIGN REQUIREMENTS</u>	<u>SOIL ABSORPTION SYSTEMS</u>	<u>Offset Distances</u>	<p><u>The minimum offset distances to an SAS shall be in accordance with 310 CMR 15.211, Title 5, and as follows:</u></p> <p><u>A) Irrigation only, or closed loop geothermal wells, to all leach areas shall be 50' feet.</u></p> <p><u>B) Drinking water or open loop geothermal wells to all leach areas shall be 100' feet.</u></p> <p><u>C) No leaching facility having a design flow of 1000 gpd, or less, shall be constructed within 75' feet of any pond, stream, brook, river, swamp or Wetland Resource Area (as defined in 310 CMR 10.00, or the Town of Wayland Wetlands Bylaw), whichever is more stringent. The distance shall be 100' feet for facilities with design flows greater than 1000 gpd.</u></p> <p><u>These offset distances may be increased by the BOH for higher volume sewage discharges depending upon the particular site's circumstances.</u></p>	<p><u>Waived. Project will comply with 310 CMR 15.00 et seq.</u></p> <p><u>-Will meet 75' per Title V</u></p>
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<u>V.H. HYDROGEOLOGICAL EVALUATION</u>	<u>SEPTIC SYSTEMS</u>	<u>HYDRO-GEOLOGICAL EVALUATION</u>	<u>New or replacement septic projects which will generate wastewater flows of 5,000 gpd or greater shall be required to have a hydro- geological evaluation performed by a qualified engineer or geologist, at the expense of the applicant. This evaluation will be reviewed by the Board of Health to ensure that the ground and surface waters will not be compromised.</u>	<u>Waive hydrogeological flow</u>