

Waiver Requests as of January 28, 2026

Through a Comprehensive Permit, the Amesbury Zoning Board of Appeals has the authority under M.G.L. Chapter 40B and its implementing regulations to waive requirements of local bylaws; further, the Board of Appeals can act on behalf of any local permitting authority through the Comprehensive Permit process. The project plans reflect an attempt to minimize the number of waivers requested. Please find a table of the preliminary waivers necessary to permit the proposed project. The waiver requests list will be updated, if necessary, as the permitting process and design progresses.

WAIVERS FROM ZONING BYLAW OF THE TOWN OF AMESBURY FOR 27 KIMBALL ROAD			
LOCAL REGULATION	REQUIREMENT	PROPOSED	EXPLANATION
Section II - Definitions	Dwelling, Two Family: A building containing two dwelling units. Only one such building shall be developed on any one lot.	Waiver granted to allow more than one two dwelling unit on one lot.	Project proposes more than one two dwelling unit on one lot.
Section V– Table of Use Regulations	Multifamily Use is not allowed in the Residence 40 Zoning District.	Waiver granted to allow Multifamily Use in the Residence 40 Zoning District	This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board is required to act in place of all local permit granting authorities as part of the issuance of the Comprehensive Permit.
Section VI– Table of Dimensional Use Regulations (Minimum Yards)	Residence 40 Zoning District requires a 40’ front yard, 25’ side yard and 50’ rear yard.	Waiver granted to allow principal buildings within the minimum side and rear yards.	The project proposes principal buildings 15’ from the side lot line and 15’ from the rear lot line.
Section VI– Table of Dimensional Use Regulations (Minimum Open Space)	Residence 40 (R-40) Zoning District requires a minimum of 50% Open Space	Waiver granted to allow less than 50% Open Space	The project proposes 49% Open Space

Section VI.E - Accessory Buildings and Structures	...in the "R" Districts, it (accessory building) shall not exceed twenty-four (24) (2011-030) feet by twenty-four (24) feet in dimension, nor exceed fifteen (15) feet in height as defined in Section II of the Ordinance and shall not have dormers in its roof; for garages, each bay shall have a separate garage door. In the "R" Districts, no more than one accessory structure as per these provisions would be allowed on the subject parcel in addition to a shed not exceeding hundred and twenty (120) square feet in area provided all other dimensional regulations are satisfied. No blank walls along any public way would be allowed. Garages or other such accessory structures, whether attached or detached, that exceed the above dimensions shall conform to the front, side, and rear yard setback requirements applicable to the principal building or structure in the zoning district where located.	Waiver to allow : • more than one accessory structure on the subject parcel • an accessory building larger than 24'x24' • an accessor structure (retaining wall) within side yard setback. • An accessory building exceeding fifteen (15) in height	The project proposes two accessory buildings, one of which is 20'x30' and a retaining walls within 5' of the side lot line. The accessory building is 17'-9" in height.
Section VIII.G.9.– Width of Driveway Curb Cut	Driveway shall not exceed 24' in at its intersection with the front lot line.	Waiver granted to allow driveway width larger than 24' to allow adequate fire truck turning.	The project proposes 37' wide driveway at the front lot line to accommodate fire truck turning.
Section VIII.G.6.– Sloped Granite Curb	Sloped Granite Curbing is required along driveways, landscaped islands, and the perimeter of the parking area	Waiver granted to allow alternate types of curbing materials.	The project is proposing concrete curbing.
Section VIII.G.17.– Sidewalk Setback	Where parking areas abut a sidewalk, these sidewalks must be set back at least three feet from the parking curb.	Waiver granted to allow sidewalks within three feet of the parking curb.	The final design will be needed to verify this waiver is required
Section XI.B.1.2– Removal of Sand, Gravel, Quarry or Earth Materials	Regulations regarding the removal of sand, gravel, quarry, or other earth materials which is incidental to and in connection with the construction of a building on a lot.	Waiver granted to allow Earthwork to construct all improvements illustrated on the site plans as approved and conditioned in the Comprehensive Permit.	This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board is required to act in place of all local permit granting authorities as part of the issuance of the Comprehensive Permit.

Section XI.B.2– Earth Filling	The movement, transport, alteration, redistribution, or filling with any earth material in the aggregate volume of 1,000 cubic yards or 1,500 tons or greater and specifically associated with any property in the City of Amesbury shall require a Special Permit in accordance with this Earth Filling Regulation.	Waiver granted to allow Earthwork to construct all improvements illustrated on the site plans as approved and conditioned in the Comprehensive Permit.	This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board is required to act in place of all local permit granting authorities as part of the issuance of the Comprehensive Permit.
Section XI.C- Site Plan Review	Site Plan Review shall be required where so indicated in Section V.D. Table of Use Regulations	Waiver is granted for Site Plan Review of project.	This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board is required to act in place of all local permit granting authorities as part of the issuance of the Comprehensive Permit.
Section XIV- Water Resources Protection District	Project requires a special permit from the Planning Board because it is within the Water Resource Protection District Zone C.	Waiver granted to allow proposed project and all improvements illustrated on the site plans as approved and conditioned in the Comprehensive Permit.	This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board is required to act in place of all local permit granting authorities as part of the issuance of the Comprehensive Permit.

WAIVERS FROM CHAPTER 398 STORMWATER MANAGEMENT BYLAW OF THE TOWN OF AMESBURY			
Amesbury Stormwater Management By-Law Chapter 398	Requires local approvals for stormwater management.	Waiver granted from Stormwater Management By-law by Planning Board	This is a customary waiver request for a 40B proceeding. As the regulations mandate, the Zoning Board of Appeals is required to act in place of all local permits granted by authorities as part of the issuance of the Comprehensive Permit. The project will be permitted under the MassDEP Stormwater Guidelines.
WAIVERS FROM AMESBURY WETLANDS PROTECTION ORDINANCE			
Amesbury Wetlands Protection Ordinance	Wetlands permit under local bylaw	Waiver granted for issuance of permit under local bylaw issued by Amesbury Conservation Commission.	Waiver from local ordinance requirement. Project will submit for compliance with MA Wetlands Protection Act only.
WAIVERS FROM AMESBURY WETLANDS REGULATIONS			
Amesbury Wetland Regulations	Wetlands permit under local bylaw	Waiver granted for issuance of permit under local bylaw issued by Amesbury Conservation Commission.	Waiver from local ordinance requirement. Project will submit for compliance with MA Wetlands Protection Act only.
WAIVERS FROM AMESBURY SUBDIVISION RULES AND REGULATIONS			
Amesbury Subdivision Rules and Regulations	Subdivision standards applied locally to Site Plan Review submittals.	Waiver granted to provide design elements that do not conform with Subdivision Control Standards.	The final design will be needed to verify this waiver is required.

By requesting the foregoing waivers from local bylaws and regulations, it is the intention of the Applicant to request a Comprehensive Permit to permit construction of the Project as shown on the Plan. If, in reviewing the Applicant's building permit application(s), the Building Commissioner determines that any additional waiver from local bylaws or regulations is necessary to permit construction to proceed as shown on the Plan, the Applicant requests that the Building Commissioner proceed as follows: The Applicant shall be informed of any additional waiver required and (a) any matter determined by the Building Commissioner to be of a de minimis nature shall be deemed within the scope of the waivers granted by the Comprehensive Permit; or (b) for any matter determined by the Building Commissioner not of a de minimis nature, including but not limited to potential adverse impacts on public health, safety, welfare or the environment, Applicant may submit a request to the Board for a determination under 760 CMR 56.05(11).