TOWN OF NEEDHAM
CONSERVATION DEPARTMENT
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

SAMPLE WAIVER REQUEST

The Needham Conservation Department recommends that all applicants who are requesting a Waiver of the Regulations under Section 1.11 of the Needham Wetlands Protection Bylaw (Article 6) use the following format for submission of their request.

Strict compliance with these rules and regulations may be waived when, in the judgment of the Commission [CHOOSE ONE OR MORE]:

(a) such action would serve a substantial public interest,

INSERT SPECIFIC, DETAILED DEMONSTRATION OF SUBSTANTIAL PUBLIC INTEREST (IF APPLICABLE) OR LIST AS "NOT APPLICABLE"

(b) such action is required for compliance with the Massachusetts Contingency Plan (MCP),

INSERT SPECIFIC DETAILED DEMONSTRATION OF APPLICABILITY TO MCP OR LIST AS "NOT APPLICABLE"

(c) strict compliance would result in severe economic hardship greater in magnitude than the public interest to be served, or

INSERT SPECIFIC, DETAILED DEMONSTRATION OF SEVERE ECONOMIC HARDSHIP GREATER IN MAGNITUDE THAT THE PUBLIC INTEREST TO BE SERVED (IF APPLICABLE) OR LIST AS "NOT APPLICABLE"

(d) a credible expert has demonstrated that the Resource Area does not protect the public interests

INSERT SPECIFIC, DETAILED DEMONSTRATION THAT THE RESOURCE AREA DOES NOT PROTECT THE PUBLIC INTERESTS (IF APPLICABLE) OR LIST AS "NOT APPLICABLE"; PUBLIC INTERESTS (aka, WETLAND VALUES) ARE LISTED IN THE BYLAW

No waiver shall be granted unless the Commission determines that [DESCRIBE ALL]:

(a) there are no practicable alternatives to the proposed action;

INSERT SPECIFIC, DETAILED DESCRIPTION OF ALL PRACTICABLE ALTERNATIVES; IF THE APPLICANT IS RELYING ON THE SEVERE ECONOMIC HARDSHIP ARGUMENT, ALTERNATIVES SHOULD INCLUDE SPECIFIC FINANCIAL CONSIDERATIONS

(b) alteration of the resource area has been minimized to the greatest extent practicable; and

INSERT SPECIFIC, DETAILED DEMONSTRATION THAT THE ALTERATION OF RESOURCE AREAS HAS BEEN MINIMIZED TO THE GREATEST EXTENT PRACTICABLE

(c) compensatory or mitigating measures are taken, even at an off-site location, to protect the public interest in the protected Resource Area to be removed, filled, dredged, built upon, or altered.

INSERT SPECIFIC, DETAILED DESCRIPTION OF PROPOSED COMPENSATORY OR MITIGATING MEASURES

SAMPLE