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**