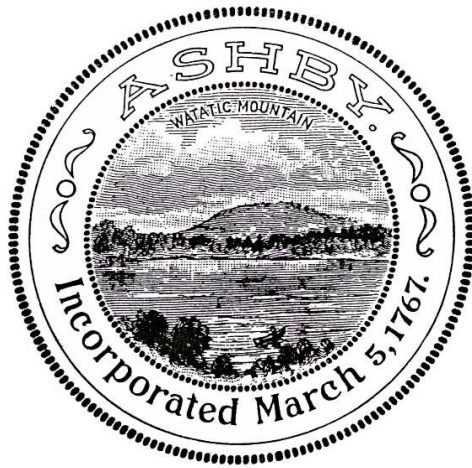


# TOWN OF ASHBY PERMITTING GUIDEBOOK

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MAY 2013

Second Printing

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## INTRODUCTION AND OVERVIEW

The purpose of this guidebook is to introduce you to the development review and business permitting processes in the Town of Ashby. While each permit and license that the Town administers plus those you may need from State and Federal agencies are noted in this guide in the permitting matrix, only the most common processes and procedures shall be summarized here. For other procedures, we give you the necessary board, department, and staff person that you will need to contact to pursue your approval, permit, or license. If at any time, before and during your application process you may have questions, please do not hesitate to contact the appropriate staff person.

We hope this guidebook is a valuable tool for anyone pursuing residential, commercial or industrial development or common licenses. For detailed information, please contact the appropriate board, department, or staff person.

### Where to Start....

Depending what you want to do and where you want to do it, your permitting process could be as simple as going to a single department, filling out an application, and receiving your permit on the spot or could be complicated by wetlands, the need for a public hearing, and, having to address multiple boards or jurisdictions for an approval. Yet while some projects may be complicated by this type of complexity, we provide some simple rules of thumb as follows:

<b>If you want to.....</b>	<b>You need to....</b>	<b>From....</b>	<b>Go to Page</b>
Build a porch or deck	Get a building permit	Inspectional Services	13
Build an addition	Get a building permit	Inspectional Services	16
Build or site accessory building like shed/garage	Get a building permit	Inspectional Services	15
Build a new building	Get a building permit	Inspectional Services	18
Subdivide lot w/ existing road frontage & access	File for an ANR	Planning Board	22
Subdivide lots with no access or frontage	Apply for a subdivision	Planning Board	22
Rezone your land	File a rezoning petition	Board of Selectmen	34
Get a variance from the zoning bylaw	Apply for a variance	Board of Appeals through Town Clerk	25
Apply for an exception to the zoning bylaw	Apply for a special permit	Board of Appeals, Planning Board, or BOS	25
Appeal a decision of the Building Inspector	Apply for administrative appeal	Board of Appeals	25
Install a wood stove	Get a Wood-Stove permit	Inspectional Services	10
Open a restaurant or sell food and drink	Get food service establishment permit or other food service lic.	Board of Health	7
Site a new septic tank or move an existing one	Get a Disposal System Construction Permit	Board of Health	7
Install a pool or spa	Get Indoor/Outdoor Pools & Spas license	Board of Health	14
Install a water well	Get a Well Installation Permit	Board of Health	7

Demolish a building or structure	Obtain a Demolition Permit	Inspectional Services	10
Erect a new sign or replace an existing sign	Obtain a sign permit	Inspectional Services	10
Occupy a building that has been built or remodeled	Obtain a Certificate of Occupancy	Inspectional Services	10
Develop a commercial site	Apply for site plan review	Planning Board	22
Develop or disturb a wetlands resource area	Apply for a Notice of Intent (NOI)	Conservation Comm.	29
Delineate a wetlands resource area	Apply for an ANRAD	Conservation Comm.	29
Determine if a project or property will impact a wetlands resource area	Apply for an RDA	Conservation Comm.	29
Obtain a license to sell liquor, beer, or wine	Apply for a Liquor License or a One-Day Liquor License	Board of Selectmen	34
Establish a new business in town	Obtain a Business Certificate	Town Clerk	36

**IMPORTANT:** Note that you may also need other approvals or reviews for reviews for your project. Please refer to the permitting flowchart below and the page reference for the process in this guide.

However, very few processes are as simple as noted above. For example, if you want to build a new commercial building or commercial building addition, in addition to obtaining a building permit, you will first need to file a site plan application with the Planning Board.

**Disclaimer:** Please note that the Town Bylaws, Zoning Bylaw, Subdivision Rules and Regulations and other regulatory legislation of the Town of Ashby, as applicable, take precedence over any information contained within this guidebook in any conflict between them.

## **LOCAL LAND USE PERMITTING PROCESS**

### **Pre-Application Concept Plan**

Applicants seeking to streamline the permit process shall submit to the Town Clerk a completed pre-submission checklist and a concept plan of the proposed project.

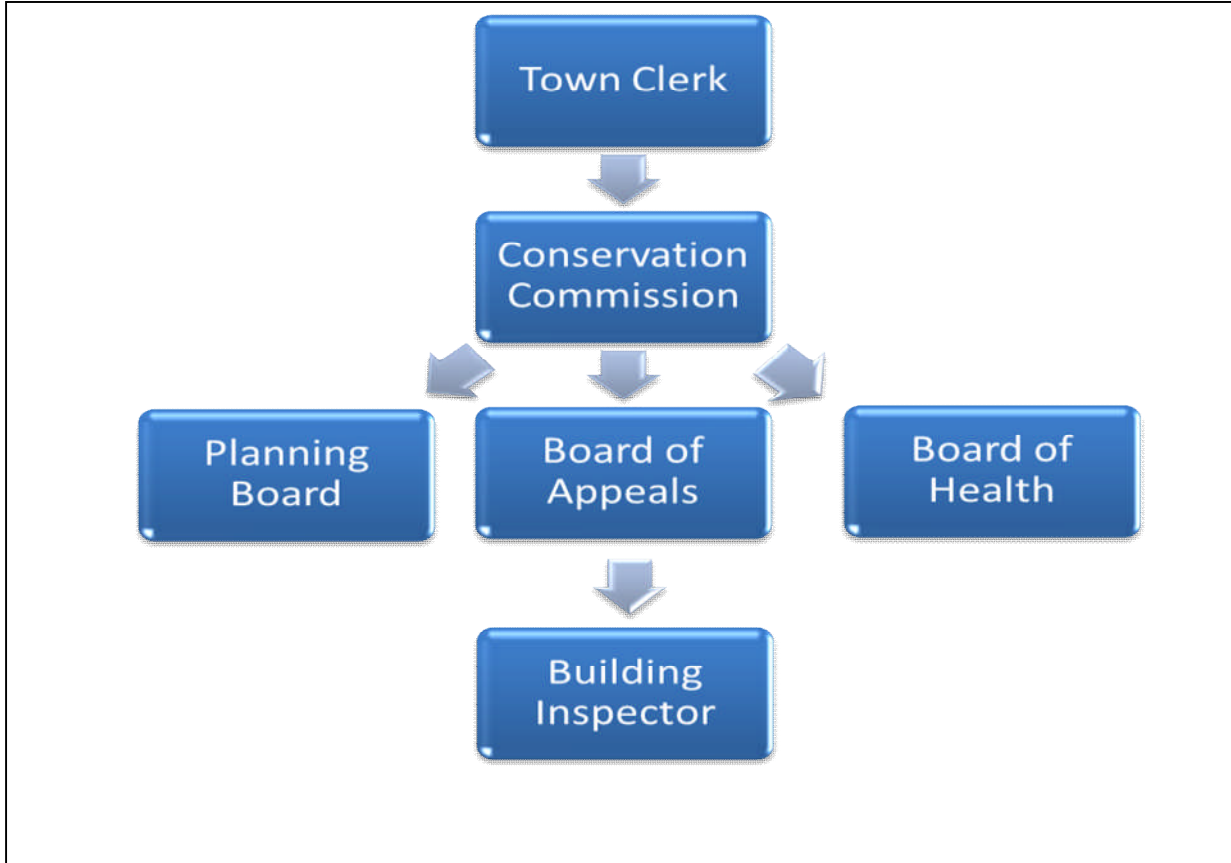
The pre-application concept will be reviewed by the Building and Land Use Departments. Input from all relative Boards and Commissions will be sought during the review of the Concept Plan. The Concept plan should have the:

1. Applicant to give a verbal narrative of the intentions of the project
2. Applicant to submit concept sketch plan and discuss issues that would be applicable land use boards or agencies. Concept plan show
  - a. Key natural features of the site.
  - b. Historic and cultural resources of the site and surrounding area.
  - c. Potential safety, traffic, or infrastructure issues related to the site and its surrounding area.
  - d. Existing soils.
  - e. Existing drainage patterns.
  - f. Existing trails on the site or on abutting parcels, and any connections thereto.
  - g. Areas that positively or negatively impact the Town's or abutter's open space, viewsheds, wetlands, wildlife habitat, forestry operations or agricultural uses.
3. Applicant to address any bylaw, rules, and regulation issues anticipated

At the conclusion of the pre-application concept plan review the Land Use Agent will:

- Establish the order of submission of applications for individual board permitting with Permitting Determination Form.
- Set a timetable and order for the permitting process

**Table 1 – ASHBY LAND USE PERMITTING ORGANIZATIONAL FLOWCHART**



The goal of the Organization Chart and the pre-application concept plan review is to streamline applications, identify issues early in the process, and provide the opportunity for proper review and comment from the appropriate boards, commissions, and other agencies.

Other seemingly simple applications may in fact require another board to review and comment. A good example of this could be an herbicide application permit from the Conservation Commission may also require Board of Health review while a septic tank permit indeed does require Conservation Commission review.

Applicant should refer to the commission or board sections below to determine if there are any more specific or detailed processes relating to a certain development review type. Also refer to the “Where to Start...” section above that might offer direction related to a specific land use activity.

**Individual Board Permitting Process (for single-board project applications)**

Applicants seeking a permit requiring a single-board review should request the proper application forms from the appropriate board or from the Town Clerk. Applicant should then generally:

- Complete and submit application forms
- Submit payment of appropriate fee
- Submit plans and documentation as required by each board
- Attend meetings and hearings as appropriate

Please refer to each departments separate Overview of Permitting Procedures sections below.

**The People**

**DEPARTMENTS AND BOARDS**

**Primary Departmental Contacts and Overview of Permitting Procedures**

**Table 2 -STAFF LIAISONS & CONTACT INFORMATION**

<b>Department</b>	<b>Contact</b>	<b>Telephone</b>	<b>E-Mail</b>
Assessor’s Office	Lois Raymond, Assessor	978-386-2427	<a href="mailto:assess@ashbyma.gov">assess@ashbyma.gov</a>
Town Clerk	Lorraine Pease, Town Clerk	978-386-2424 x10	<a href="mailto:tclerk@ashbyma.gov">tclerk@ashbyma.gov</a>
Police Department	Edward Drew, Chief	978-386-5652	<a href="mailto:chief@ashbypolice.org">chief@ashbypolice.org</a>
Planning Board	Alan Pease, Member	978-386-2424 x20	<a href="mailto:landuse@ashbyma.gov">landuse@ashbyma.gov</a>
Zoning Appeals, Board of	Lorraine Pease, Town Clerk David Martin, Chair	978-386-2424 x10	<a href="mailto:tclerk@ashbyma.gov">tclerk@ashbyma.gov</a> <a href="mailto:landuse@ashbyma.gov">landuse@ashbyma.gov</a>
Conservation Commission	Tim Bauman, Chair	N/A	<a href="mailto:conscom@ashbyma.gov">conscom@ashbyma.gov</a>
Fire Department	Bill Seymour Jr., Chief	978-386-5522	<a href="mailto:fchief@ashbyma.gov">fchief@ashbyma.gov</a>
Board of Selectmen	Jennifer Collins, Assistant to the Board of Selectmen	978-386-2501 x11	<a href="mailto:tabos@ashbyma.gov">tabos@ashbyma.gov</a>
Highway Department	William Davis, Superintendent	978-386-2272	N/A
Historical Commission	Claire Lavin	978-386-5509	N/A
Health, Board of	Rick Metcalf, R.S., District Sanitarian	978-772-3335	<a href="mailto:rmetcalf@nashoba.org">rmetcalf@nashoba.org</a>
Health, Nashoba Board of	N/A	800-427-9762 #0	N/A
Tree Warden	William Davis, Superintendent	978-386-2272	N/A
Inspectional Services	Peter Niall, Building Inspector	978-386-2424 x10 978-894-3618 (c)	N/A
Plumbing & Gas Inspector	Richard Kapenas	978-597-8125	N/A
Wiring (Electrical) Inspector	Paul Lessard	978-386-7039	N/A
Tax Collector	Beth Ann Scheid, Collector	978-386-2427x13	<a href="mailto:collect@ashbyma.gov">collect@ashbyma.gov</a>

## **BOARD OF HEALTH**

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<b>Department:</b>	Board of Health
<b>Staff Liaison:</b>	Rick Metcalf, Nashoba Associated Boards of Health Liaison Phone: 978-386-2491 x 19 Fax: 978-386-2490 <a href="mailto:rmetcalf@nashoba.org">rmetcalf@nashoba.org</a>
<b>Office Hours:</b>	Tuesdays and Thursdays 10:30 a.m. to 11:30 a.m.
<b>Board:</b>	Board of Health
<b>Meeting Schedule:</b>	Meetings are held every 2 <sup>nd</sup> and 4 <sup>th</sup> Wednesdays at 8:00 p.m., as posted on the Town Hall bulletin board. Meetings are held in Ashby Town Hall, The Lyman Building, 895 Main Street, Ashby, MA.
<b>Members:</b>	Cedwyn Morgan Scott Leclerc William Stanwood
<b>Description of Board</b>	<p>The Board of Health enforces the State Sanitary and Environmental Codes, reports diseases dangerous to the public health and enforces other applicable State and local laws and regulations. It is the responsibility of the Board of Health to periodically review the health needs of the Town and take appropriate steps to meet whatever needs arise.</p> <p>The following includes a list of Health Agent Services:</p> <ul style="list-style-type: none"><li>• Inspections of licensed food establishments</li><li>• Review and inspections of subsurface sewage disposal systems</li><li>• Review of preliminary and definitive subdivision plans</li><li>• Permitting of new pool installations</li><li>• License solid waste transport</li><li>• Portable toilet permits</li><li>• Issue private well installation permits</li><li>• Respond to public and environmental health complaints</li><li>• License tobacco sales</li><li>• Camp permitting</li></ul>
<b>Permits Issued:</b>	Food Service Establishment /Restaurants Retail Food Service Establishment/Convenience Stores Caterers Mobile Food Servers Temporary Food Permit Residential Kitchens Disposal System (Septic) Construction Permit Disposal Works (Septic) Installer License Septage Haulers License Well Installation/Repair/Destruction Permit Camp Permits



Sale of Tobacco Products  
Indoor/Outdoor Pools & Spas

Please see the Board of Health for a complete list of all permits, inspections, and licenses that are performed.

- Permit Processes:** All applications are obtained from Board of Health Agents; permits may need Board review at a public meeting
- Advertising Requirements:** Not applicable
- Time Frame(s):** Variance requests require certified letters be mailed to abutters to be received 10 days in advance of Public Hearing.
- Time Frame for Decision:** Variable per regulation.
- Appeal Process:** Variable per regulation.
- Fee Schedule:** Please see next page

**Applicable Local, State, and Federal Statutes:**

Code of the Town of Ashby, Division 4, Chapter 238- 254105 C.M.R., 310 C.M.R., M.G.L. 111, 1999 Federal Food Code

**Board of Health Fee Services Schedule**

<b>Permit/ Service</b>		<b>Fee</b>
Septic Permit Fee		200.00
Septic Fee for New Construction Only	To Town of Ashby	
Lot Testing		300.00
Permit Transfer Fee		25.00
Permit Extension Fee		25.00
Well Permit		75.00
Well Permit	To Town of Ashby	75.00
Food Service (Based on Seats)		
	Less than 25 Seats	150.00
	26-50 Seats	200.00
	51-150 Seats	250.00
	151-300	400.00
	Over 300 Seats	500.00
Temporary Food Permits		20.00
Catering		60.00
Mobil Food		85.00
Residential Kitchen		100.00
New/Remodel Plan Review		125.00
Retail Food		100.00
Limited Retail		50.00
Supermarket with Food Service		250.00
Tanning	First Bed	100.00
	Each Additional Bed	15.00
Frozen Dessert License	To Town of Ashby	25.00
Milk License	To Town of Ashby	2.00

## **INSPECTIONAL SERVICES**

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**Department:** Inspectional Services

**Staff Liaison:** Peter Niall, Building Inspector  
978-386-2424, x 10 (leave message)  
978-894-3618 (cell)

**Office hours, Main Office:** 5:00 pm to 7:00 pm, Wednesdays

**Inspectors:** Wiring Inspector: Paul Lessard  
978-386-7039  
7:00 pm to 8:00 pm, Wednesdays

Plumbing/Gas Inspector: Richard Kapenas  
978-597-8125  
7:00 am to 8:00 am, Wednesdays

**Permits Issued:** Building Permits  
Certificate of Occupancy  
Demolition Permits  
Sign Permits  
Electrical Permits  
Plumbing Permits  
Gas Permits  
Wood-Stove Permits  
Periodic Inspection Permits

Building permits are issued to ensure compliance with the Commonwealth of Massachusetts' State Building Code and the Town's Zoning Bylaw relating to the inspection, materials, construction, demolition, alteration, repair, height, area, location and use of land, buildings and other structures within the Town. Permits are required for virtually all construction projects, including roofing, siding, pools, fencing over 6' tall, pellet/wood stoves and accessory buildings of 120 square feet or more. Please see fee schedule for specific permit types.

**Permit Processes:** All construction requires a building permit. For advice regarding compliance with zoning ordinances and sign regulations and for permit applications, please contact the Building Inspector. Building permit applications may be picked up at Town Hall at the Building Department's office.

All building permit applications for new construction must first obtain approval from the Building Inspector. Zoning approval requires the submission of a building permit application and a plot plan, indicating the location of the structure and setbacks from the front, side and rear lot lines. This approval precedes other approvals to assure that both the lot and structure conform to Ashby Zoning Bylaws.

Non-conformance with the Zoning Bylaws may require a hearing before the Zoning Board of Appeals to acquire a special permit or variance prior to obtaining a building permit.

**Advertising** Not applicable

**Requirements:**

**Time Frame(s):** Not applicable

**Time Frame for Decision:** After all required documentation and plans are submitted, permit review shall not exceed 30 days.

**Validity of Permits:** Building permits become void after sixty (60) days of no work being performed.

**Appeal Process:** BUILDING: Code appeals to Massachusetts Building Board of Appeals.

ELECTRICAL: Submit a request in writing regarding the appeal to the Board of Electricians' Appeals, 239 Causeway Street, Suite 500, Boston, MA 02114, the notice of disapproval received by the wiring inspector, and a check or money order for \$75 made payable to the Commonwealth of Massachusetts.

PLUMBING & GAS: Call Board of State Examiners of Plumbers and Gas Fitters at 617-727-9952 to obtain an application to appeal. \$75 fee for application.

**Fee Schedule:** Please see next page

**Applicable Local, State, and Federal Statutes:** Mass. Building Code 780 C.M.R.

### **Building Department Procedures**

Note that this checklist is intended to identify the majority of issues to consider in relation to this kind of project. Special circumstances relating to the nature of proposed construction or location of the project may require additional considerations. All septic system upgrades require review by the Conservation Commission for impact on the wetlands.

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### *Building Permit Process – Installation of New Siding, Roofing, Windows, Stairs, or Solid Fuel Heating Device\**

**Step 1: Apply for Building Permit:** Complete the Building Permit Form and submit to Permitting Office. Applicant must also provide a copy of the contractor's license and certificate or note that the owner is performing the work.

**Step 2: Review and Approval:** The building official reviews the permit and if all information is in order, signs the permit and contacts the applicant to notify that the permit is ready to be picked up.

**Step 3: Work Commences:** Once the applicant properly posts the permit, work may commence on the project.

**Step 4: Inspection:** Once the project has been completed, the applicant must call for an inspection. If the inspector determines that the project was properly completed, the building permit is closed out.

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*Building Permit Process – Finish Basement, Interior Remodeling\**

**Step 1: Prepare Remodeling Plans:** Plans may be developed by homeowner or homeowners agent such as a licensed contractor, architect, or designer.

**Step 2: Fire Department Review and Approval:** Remodeling plans must be reviewed and approved by the Fire Department indicated by a signed stamp on the plans.

**Step 3: Title 5 Approval:** If the project will add a bedroom or bedrooms as defined by Title 5, obtain copy of septic system plan and have the Board of Health review for adequacy of existing system; if Board of Health requires system improvements obtain necessary plan from qualified engineer and have reviewed and approved by Board of Health. Note that the Health Agent reviews all permit applications. If you are unsure about the status of the proposed rooms under Title 5, please ask the Health Agent.

**Step 4: Conversion to Two-Family:** If the purpose of the project is to convert a single-family dwelling to a two-family dwelling, the applicant must apply for and secure any necessary Board of Health and Zoning Board of Appeals approvals prior to filing an application for a building permit.

**Step 5: Apply for Building Permit:** Complete the Building Permit Form and submit to Permitting Office. Applicant must also provide the following:

- a. A copy of the contractor's license and certificate or note that the owner is performing the work,
- b. Four (4) copies of the Fire Department approved floor plan (2 to Fire Chief , 1 to Board of Health, and 1 to the building official)
- c. Building permit fee

**Step 6: Review and Approval:** The building official reviews the permit and if all information is in order, signs the permit and contacts the applicant to notify that the permit is ready to be picked up.

**Step 7: Work Commences:** Once the applicant properly posts the permit, work may commence on the project.

**Step 8: Inspection:** Once the project has been completed, the applicant must call for an inspection. If the inspector determines that the project was properly completed, the building permit is closed out.

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*Building Permit Process – Porch or Deck\**

**Step 1: Determine Zoning:** Determine which zoning district the property is located in to determine what the required setback distance from property lines will be for your project. If you do not know this information, the Permitting Office at Town Hall can assist you with this matter. In all districts setbacks are 75' from the centerline of a road right of way less than 50 feet in width and 100' from the centerline of a road right of way 50' or greater, 25' from the side lot line and rear property line. Remember that corner lots are considered to have two front yards and two side yards.

**Step 2: Prepare Plot Plan:** Have a licensed engineer or surveyor prepare a Certified Plot Plan. The plan should include the following:

- a. Easements: Review any available subdivision or recorded survey plans of the property to determine if there are any easements on the property that might be affected by the proposed project and any associated excavation or re-grading and if so, these should be shown on the plot plan.
- b. Addition: Use Certified Plot Plan to show location and dimensions of proposed addition; and check for compliance with zoning bylaw setbacks, as well as building height limitations; if project does not meet requirements either redesign to comply or obtain variance from Zoning Board of Appeals

**Step 3: Obtain Septic System Plan:** Obtain a copy of the septic system plan for the property to assure that the location of the proposed deck or porch addition will not be located over any system components and will not compromise the integrity of any component (structures should be 10' from a septic tank and 20' from a septic field); note that sono-tube type supports must be 5' from all septic system components.

**Step 4: Conservation Commission Approvals:** If work on the new structure and associated site excavation and grading (including new landscaping areas), or if work on the existing septic system, or if work on a new driveway, will have to occur within 100 feet of wetlands or within a Riverfront Area, the applicant must obtain any necessary Conservation Commission approvals.

**Step 5: Prepare Remodeling Plans:** Plans may be developed by homeowner or homeowners agent such as a licensed contractor, architect, or designer.

**Step 6: Apply for Building Permit:** Complete the Building Permit Form and submit to Permitting Office. Applicant must also provide the following:

1. A copy of the contractor's license and certificate or note that the owner is performing the work,
2. Two (2) copies of the structural/floor plan (1 to Conservation and 1 to Building Official)
3. Three (3) copies of the plot plan (1 to Conservation, 1 to Board of Health, and 1 to the Building Official)
4. Building permit fee

**Step 7: Review and Approval:** The building official reviews the permit and if all information is in order, signs the permit and contacts the applicant to notify that the permit is ready to be picked up.

**Step 8: Work Commences:** Once the applicant properly posts the permit, work may commence on the project.

**Step 9: Inspection:** Once the project has been completed, the applicant must call for an inspection. If the inspector determines that the project was properly completed, the building permit is closed out.

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*Building Permit Process – Swimming Pools\**

**Step 1: Determine Zoning:** Determine which zoning district the property is located in to determine what the required setback distance from property lines will be for your project. If you do not know this information, the Permitting Office at Town Hall can assist you with this matter. In all districts setbacks are 75' from the centerline of a road right of way less than 50 feet in width and 100' from the centerline of a road right of way 50' or greater, 25' from the side lot line and rear property line. Remember that corner lots are considered to have two front yards and two side yards.

**Step 2: Prepare Plot Plan:** Have a licensed engineer or surveyor prepare a Certified Plot Plan. The plan should include the following:

- c. Easements: Review any available subdivision or recorded survey plans of the property to determine if there are any easements on the property that might be affected by the proposed project and any associated excavation, re-grading, associated construction, and installation of the required safety fence. These should all be shown on the plot plan.
- d. Addition: Use Certified Plot Plan to show location and dimensions of proposed swimming pool and the location of the required surrounding safety fence and provide a description of the temporary and final fencing materials for approval by the Building Inspector. Check for compliance with zoning bylaw setbacks; if project does not meet requirements either redesign to comply or obtain variance from Zoning Board of Appeals

**Step 3: Obtain Septic System Plan:** Obtain a copy of the septic system plan for the property to assure that the location of the proposed swimming pool will not be located over any system components and will not compromise the integrity of any component (structures should be 10' from a septic tank and 20' from a septic field); note that an above-ground pool cannot be located on top of any septic system components or reserve septic area.

**Step 4: Conservation Commission Approvals:** If work on the swimming pool and associated site excavation and grading (including new landscaping areas will have to occur within 100 feet of wetlands or within a Riverfront Area, the applicant must obtain any necessary Conservation Commission approvals.

**Step 5: Prepare Plans:** Plans for swimming pool and associated improvements shall be developed by a licensed designer.

**Step 6: Apply for Building Permit:** Complete the Building Permit Form and submit to Permitting Office. Applicant must also provide the following:

5. A copy of the contractor's license and certificate
6. Two (2) copies of the structural/pool plan (1 to Conservation and 1 to Building Official)
7. Three (3) copies of the plot plan (1 to Conservation, 1 to Board of Health, and 1 to the Building Official)
8. Building permit fee

**Step 7: Review and Approval:** The building official reviews the permit and if all information is in order, signs the permit and contacts the applicant to notify that the permit is ready to be picked up.

**Step 8: Work Commences:** Once the applicant properly posts the permit, work may commence on the project.

**Step 9: Inspection:** Once the project has been completed, the applicant must call for an inspection. If the inspector determines that the project was properly completed, the building permit is closed out.

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*Building Permit Process – Accessory Structure\**

**Step 1: Determine Zoning:** Determine which zoning district the property is located in to determine what the required setback distance from property lines will be for your project. If you do not know this information, the Permitting Office at Town Hall can assist you with this matter. In all districts setbacks are 75' from the centerline of a road right of way less than 50 feet in width and 100' from the centerline of a road right of way 50' or greater, 25' from the side lot line and rear property line. Remember that corner lots are considered to have two front yards and two side yards.

**Step 2: Prepare Plot Plan:** Have a licensed engineer or surveyor prepare a Certified Plot Plan. The plan should include the following:

- e. Easements: Review any available subdivision or recorded survey plans of the property to determine if there are any easements on the property that might be affected by the proposed project and any associated excavation or re-grading and if so, these should be shown on the plot plan.
- f. Addition: Use Certified Plot Plan to show location and dimensions of proposed accessory building; and check for compliance with zoning bylaw setbacks, as well as building height limitations; if project does not meet requirements either redesign to comply or obtain variance from Zoning Board of Appeals

**Step 3: New or Relocated Driveway:** If a new driveway and entrance from the street is part of the project, the applicant must obtain a driveway permit approval from the Highway Superintendent. If the proposed driveway entrance is moved, you will need a new street number. Check on whether driveway work will be near septic system and if so, what modifications to the septic system may be necessary.



**Step 4: Conservation Commission Approvals:** If work on the new structure and associated site excavation and grading (including new landscaping areas), or if work on the existing septic system, or if work on a new driveway, will have to occur within 100 feet of wetlands or within a Riverfront Area, the applicant must obtain any necessary Conservation Commission approvals.

**Step 5: Prepare Structural Plans:** Plans shall be developed by a licensed contractor, architect, or designer.

**Step 6: Fire Department Approval:** If the accessory building is attached by any means to a dwelling, have the Structural Plan reviewed and stamped approved by the Fire Department

**Step 6: Apply for Building Permit:** Complete the Building Permit Form and submit to Permitting Office. Applicant must also provide the following:

9. A copy of the contractor's license and insurance certificate or note that owner is performing work
10. Three (3) copies of the structural/floor plan (2 to Fire Chief and 1 to Building Official)
11. Three (3) copies of the plot plan (1 to Conservation, 1 to Board of Health, and 1 to the Building Official)
12. Building permit fee

**Step 7: Review and Approval:** The building official reviews the permit and if all information is in order, signs the permit and contacts the applicant to notify that the permit is ready to be picked up.

**Step 8: Work Commences:** Once the applicant properly posts the permit, work may commence on the project.

**Step 9: Inspection:** Once the project has been completed, the applicant must call for an inspection. If the inspector determines that the project was properly completed, the building permit is closed out.

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*Building Permit Process – Building Addition\**

**Step 1: Determine Zoning:** Determine which zoning district the property is located in to determine what the required setback distance from property lines will be for your project. If you do not know this information, the Permitting Office at Town Hall can assist you with this matter. In all districts setbacks are 75' from the centerline of a road right of way less than 50 feet in width and 100' from the centerline of a road right of way 50' or greater, 25' from the side lot line and rear property line. Remember that corner lots are considered to have two front yards and two side yards.

**Step 2: Prepare Plot Plan:** Have a licensed engineer or surveyor prepare a Certified Plot Plan. The plan should include the following:

- g. Easements: Review any available subdivision or recorded survey plans of the property to determine if there are any easements on the property that might be affected by the

proposed project and any associated excavation or re-grading and if so, these should be shown of the plot plan.

- h. **Addition**: Use Certified Plot Plan to show location and dimensions of proposed building addition; and check for compliance with zoning bylaw setbacks, as well as building height limitations; if project does not meet requirements either redesign to comply or obtain variance from Zoning Board of Appeals

**Step 3: Obtain Septic System Plan**: Obtain a copy of the septic system plan for the property to assure that the location of the proposed deck or porch addition will not be located over any system components and will not compromise the integrity of any component (structures should be 10' from a septic tank and 20' from a septic field); for a slab foundation, the structure must be 10' from the septic tank and field) and not interfere with existing septic system component location (An inspection of your existing system may be required if no official records exist). Should the proposed addition be greater than 400 square feet in size, in accordance with Board of Health Regulations (Section 4.5) you must prove to the Board that this addition will not interfere with you ability to upgrade your septic system in the future.

**Step 4: Title 5 Approval**: If the project will add a bedroom or bedrooms as defined by Title 5, obtain copy of septic system plan and have the Board of Health review for adequacy of existing system; if Board of Health requires system improvements obtain necessary plan from qualified engineer and have reviewed and approved by Board of Health. Note that the Health Agent reviews all permit applications. If you are unsure about the status of the proposed rooms under Title 5, please ask the Health Agent.

**Step 5: Conversion to Two-Family**: If the purpose of the project is to convert a single-family dwelling to a two-family dwelling, the applicant must apply for and secure any necessary Board of Health and Zoning Board of Appeals approvals prior to filing an application for a building permit.

**Step 6: Conservation Commission Approvals**: If work on the new structure and associated site excavation and grading (including new landscaping areas), or if work on the existing septic system, or if work on a new driveway, will have to occur within 100 feet of wetlands or within a Riverfront Area, the applicant must obtain any necessary Conservation Commission approvals.

**Step 7: Prepare Structural Plans**: Plans may be developed by homeowner or homeowners agent such as a licensed contractor, architect, or designer.

**Step 8: Fire Department Approval**: The Structural Plans must be reviewed, stamped, and signed by the Fire Department.

**Step 9: Masscheck Energy Audit**: Complete Masscheck Energy Audit Form (Contractor or Building Supply company may complete).

**Step 10: Apply for Building Permit**: Complete the Building Permit Form and submit to Permitting Office. Applicant must also provide the following:

- 13. A copy of the contractor's license and certificate or note that the owner is performing the work,

14. Four (4) copies of the structural/floor plan (2 to Fire Chief, 1 to Board of Health and 1 to Building Official)
15. Three (3) copies of the plot plan (1 to Conservation, 1 to Board of Health, and 1 to the Building Official)
16. Building permit fee

**Step 11: Review and Approval:** The building official reviews the permit and if all information is in order, signs the permit and contacts the applicant to notify that the permit is ready to be picked up.

**Step 12: Work Commences:** Once the applicant properly posts the permit, work may commence on the project.

**Step 13: Inspection:** Once the project has been completed, the applicant must call for an inspection. If the inspector determines that the project was properly completed, the building permit is closed out.

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*Building Permit Process – New Construction, Initial Development of a Lot\**

**Step 1: Determine Zoning:** Determine which zoning district the property is located in to determine what the required setback distance from property lines will be for your project. If you do not know this information, the Permitting Office at Town Hall can assist you with this matter. In all districts setbacks are 75' from the centerline of a road right of way less than 50 feet in width and 100' from the centerline of a road right of way 50' or greater, 25' from the side lot line and rear property line. Remember that corner lots are considered to have two front yards and two side yards.

**Step 2: Prepare Plot Plan:** Have a licensed engineer or surveyor prepare a Certified Plot Plan. The plan should include the following:

- i. Easements: Review any available subdivision or recorded survey plans of the property to determine if there are any easements on the property that might be affected by the proposed project and any associated excavation or re-grading and if so, these should be shown on the plot plan.
- j. Addition: Use Certified Plot Plan to show location and dimensions of proposed building addition; and check for compliance with zoning bylaw setbacks, as well as building height limitations; if project does not meet requirements either redesign to comply or obtain variance from Zoning Board of Appeals

**Step 3: Obtain Septic System Plan:** Obtain a copy of the septic system plan for the property to assure that the location of the proposed deck or porch addition will not be located over any system components and will not compromise the integrity of any component (structures should be 10' from a septic tank and 20' from a septic field); for a slab foundation, the structure must be 10' from the septic tank and field) and not interfere with existing septic system component location (An inspection of your existing system may be required if no official records exist). Should the proposed addition be greater than 400 square

feet in size, in accordance with Board of Health Regulations (Section 4.5) you must prove to the Board that this addition will not interfere with you ability to upgrade your septic system in the future.

**Step 4: Conservation Commission Approvals:** If work on the new structure and associated site excavation and grading (including new landscaping areas), or if work on the existing septic system, or if work on a new driveway, will have to occur within 100 feet of wetlands or within a Riverfront Area, the applicant must obtain any necessary Conservation Commission approvals.

**Step 5: Driveway Permit:** You will need a driveway permit from the Highway Superintendent. This permit can be obtained prior to applying for a building permit.

**Step 6: Prepare Structural Plans:** Plans may be developed by homeowner or homeowners agent such as a licensed contractor, architect, or designer.

**Step 7: Fire Department Approval:** The Structural Plans must be reviewed, stamped, and signed by the Fire Department.

**Step 8: Apply for Building Permit:** Complete the Building Permit Form and submit to Permitting Office. Applicant must also provide the following:

17. A copy of the contractor's license and certificate or note that the owner is performing the work,
18. Five (5) copies of the structural/floor plan (2 to Fire Chief, 1 to Board of Health and 2 to Building Official)
19. Four (4) copies of the plot plan (1 to Conservation, 1 to Board of Health, 1 to Planning and 1 to the Building Official)
20. Building permit fee

**Step 9: Review and Approval:** The building official reviews the permit and if all information is in order, signs the permit and contacts the applicant to notify that the permit is ready to be picked up.

**Step 10: Work Commences:** Once the applicant properly posts the permit, work may commence on the project.

**Step 11: Inspection:** Once the project has been completed, the applicant must call for an inspection. If the inspector determines that the project was properly completed, the building permit is closed out.

**Step 12: Occupancy Permit:** Prior to receiving an occupancy permit you must have the street number displayed and visible from the street.

## INSPECTIONAL SERVICES FEE SCHEDULE

Permit/ Service	Fee
<b>Building</b>	
All building permits	\$25.00 for the first \$1000 of construction cost and \$10.00 for every \$1000 of construction cost thereafter.
<b>Plumbing</b>	
Residential plumbing permit fee for new construction, additions, renovation and alterations	\$50.00 plus \$7.00 fee per fixture
Commercial plumbing permit fee for new construction, additions, renovation and alterations	\$100.00 plus \$7.00 fee per fixture
<b>Gas</b>	
Permit fee for new installations or replacement of gas appliance	\$30.00 plus \$7.00 fee per structure
<b>Electrical</b>	
Temporary service	\$30.00
New home complete	\$140.00
100 amp service change, residential	\$50.00
200 amp service change, commercial	\$50.00
Three phase commercial/ industrial service installation	\$125.00 plus \$50.00 for each sub panel
Industrial maintenance permit (yearly fee limit 5 inspections)	\$125.00
Oil burners	\$30.00
Gas burners	\$30.00
Water heaters	\$30.00
Temp service for mobile homes (fire jobs only)	\$30.00
Signs	\$30.00
Gas pumps (per pump)	\$50.00
Carnival, circus, or concession	\$50.00
Reinspection fee (each time) * see below	\$30.00
Smoke detector systems	\$30.00
Alarms and security systems	\$50.00
Swimming pools, above and below ground	\$60.00
Minimum fee for remodeling	\$60.00

\*\$30.00 charge for all work that must be reinspected or for inspections where inspector cannot access premises

All fees are based on \$30.00 per visit times the number of estimated inspections needed for each line item

### Building Permit Notes

- Check with department for recent fee amendments.
- Filing fees shall be waived for agencies of the Town of Ashby.
- Special Fees: The payment of the fee for the construction, alteration, removal or demolition and for wall work done in connection with or concurrent with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for water taps, sewer connections, electrical permits, erection of sign or display structures, marquees or other appurtenant other privileges or requirements, both within

and without the jurisdiction of the department of building inspection. Permit fees not covered by this ordinance shall be set as determined by the building commissioner.

- New Construction and Alterations: The building commissioner is authorized to establish (by approved rules) a schedule of unit rates for buildings and structures of all use groups and types of construction as classified and defined in Article 2 of the State Building Code.
- Fees for Work Started Prior to Obtaining Permits: Excepting emergencies as determined by the building commissioner, the fee for the work will be double the normal fee.

#### **Electrical Permit Notes**

- All permit fees, after issuance of permits, are **NOT** refundable.
- The Electrical Inspector will determine all fees not specifically listed.
- Permits not filled pursuant to MGL Chapter 143 will be doubled (within five (5) days of commencing work).

## PLANNING BOARD

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**Department:** Planning Board

**Public Liaison:** Alan Pease, Member  
Tel: 978-386-2424 , x 20  
Fax: 978-386-2490  
E-Mail: [landuse@ashbysma.gov](mailto:landuse@ashbysma.gov)

Mark Archambault, Land Use Agent  
Tel: 603-881-8591  
E-Mail: [markarena@comcast.net](mailto:markarena@comcast.net)

**Board:** Planning Board

**Meeting Schedule:** Second & Fourth Wednesdays of each month, 7:30 pm, Town Hall.

**Members:** Consists of five (5) appointed members:

James Hargraves, Chairman  
Alan Pease  
Jean Lindquist  
Wayne Stacy  
Andrew Leonard

**Description of Board:** Established by M.G.L. c. 41 s. 81A and governed by local zoning ordinances and subdivision rules and regulations

**Permits Issued:** **Under Subdivision Control Law** (Please see the Planning Boards Subdivision Rules and Regulations explicit information.)

- **Approval Not Required** under Subdivision Control Law(ANRs)
- **Preliminary Plans**
- **Definitive Plans**

**Site Plan Special Permits** - (Ref. Section 4.5 of Zoning Bylaw) any development which:

- (1)The initial development of land in the Industrial District.
- (2)The initial development of land for commercial uses in the residential/Commercial district and Residential/Agricultural district.
- (3) The expansion of any building used for commercial or industrial uses by more than 1000 square feet of gross floor area

**Special Permits**

- Driveways with a grade greater than 12%
- Commercial Uses with in the Village Center Overlay District as specified in Section 9.1 of the Ashby Zoning Bylaw.

*Special Permits related to Subdivisions*

- Open Space Residential Development (OSRD) (Ref. Section 4.9)
- Inclusionary Housing (Ref. Section 4.10)

<b>Permit Processes:</b>	Have completed applications stamped in the Town Clerk's office prior to submitting to the Planning Department. Application instructions are included with application form.
<b>Advertising Requirements:</b>	Responsibility for advertising requirement is assumed by the Town and will be paid by the applicant. Abutter notification and legal ads published twice in local newspaper, first ad must be at least 14 days prior to date of public hearing is required for all subdivision, site plan and special permit applications.
<b>Time Frame(s) for Public Hearings:</b>	Upon submission of complete application, the Planning Board will schedule a hearing as soon as possible, usually within one-month from date of submittal
<b>Time Frame for Decision:</b>	Preliminary Subdivision Plan: 45 days Definitive Subdivision Plan preceded by Preliminary Plan: 90 days Definitive Plan where no Preliminary Plan was filed: 135 days ANR: 21 days Site Plan Review: 30 days after close of public hearing Review period begins when complete application received by Planning Board
<b>Appeal Process:</b>	Within 20 days after decision is filed, filed in accordance with M.G.L. c. 40A s.17. Preliminary subdivisions, Site plans and ANRs are not subject to appeal.
<b>Fee Schedule:</b>	Please see next page
<b>Applicable Local, State, and Federal Statutes:</b>	M.G.L. Chapters 40A & 41 Town of Ashby Zoning Bylaw Town of Ashby Subdivision Rules & Regulations



## PLANNING BOARD FEE SCHEDULE

Permit	Fee	Form
Approval Not Required Plans (ANRs)	\$100 plus \$25 per lot created	Form A
Subdivision Plan (Preliminary)	\$500 plus \$0.50 per lin. foot of road	Form B-1
Subdivision Plan (Definitive)	\$1,000 plus \$1.00 per lin. foot of road (Preliminary fee will be credited toward this.)	Form B
Modification to Approved Plan (Definitive)	none	
Site Plan Review	\$500 for over 10,000sq. feet, \$250 all other applications, Preliminary plan review \$100	Site Plan Form
Request for Lot Release	none	Written Request
<b>Fees not Directly Related to Permits</b>		
Subdivision Rules & Regulations*	\$20.00	N/A
Zoning Bylaw*	\$5.00	N/A

\*Available at Town Clerk's Office.

# ZONING BOARD OF APPEALS

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<b>Board:</b>	Zoning Board of Appeals
<b>Staff Liaison:</b>	Town Clerk  For ZBA business email: <a href="mailto:landuse@ashbysma.gov">landuse@ashbysma.gov</a>
<b>Meeting Schedule:</b>	As necessary
<b>Members:</b>	Consists of appointed members: Alan Pease, chair Jim Stacy Gary Baer  Also consists of two alternate members: Fred Stacy and Justin Baer
<b>Description of Board:</b>	Established by the authority of M.G.L. Chapter 40A, Section 14; Provides relief from zoning dimensional requirements, hears appeals, and adjudicates special permits
<b>Permits Issued:</b>	Variances Appeals of Order or Decisions of Building Inspector Special Permits Comprehensive Permits (under MGL 40B)
<b>Permit Processes:</b>	Variance applications may be obtained at the Town Clerk's Office. Application instructions are included with application form. Have completed application stamped with Town Clerk's office prior to submitting to the Zoning Board of Appeals
<b>Advertising Requirements:</b>	Legal ad published twice in local newspaper, first ad must be at least 14 days prior to date of public hearing. The ZBA is responsible for advertising.
<b>Time Frame(s) for Public Hearings:</b>	Within 65 days from the date of filing of completed application.
<b>Time Frame for Decision:</b>	Within ninety days following date of the public hearing. Copies of the decision must be filed with the Town Clerk within fourteen days in the office.
<b>Appeal Process:</b>	Applicant may appeal within 20 days of filing of decision with the Town of Ashby
<b>Fee Schedule:</b>	Please see next page
<b>Applicable Local, State, and Federal Statutes:</b>	M.G.L. Chapters 40A & 40B

## Board of Appeals Procedures

The Board of Appeals for the Town of Ashby has three primary and one secondary responsibility. The Board grants variances, special permits, and administrative appeals. It also adjudicates comprehensive permits for MGL 40B.

## Variations

Variations are granted permissions to build or establish structures or to use land in a manner that is otherwise not permitted by the bylaws. Ashby grants both dimensional variations, which allow development or land use that does not meet one or more dimensional requirements such as building height or a setback line, and use variations which allow uses in districts where they are not ordinarily allowed. No variation may be given where the use or activity is not otherwise permitted in the district in which the land or structure is located.

**Preliminary Review** (optional): Applicant is encouraged to meet informally with the Board prior to official submittal to ensure all requirements are met.

**Step 1: Filing of Application**: File the variance application along with supporting materials and fees to the Board of Appeals and the Town Clerk. Supporting materials will vary for each application and could include a site plan, owner's affidavit, or other documentation. The Board will consider four criteria in their decision and the application should note how it meets each:

1. special circumstances relating to soil conditions, shape, or topography of the land or structures exist on the particular parcel, and
2. these special circumstances specifically affect the particular parcel involved and do not generally affect other parcels in the same zoning districts in which the parcel is located, and
3. a literal interpretation of the provisions of the zoning by-law would involve substantial hardship to the petitioner, either financial or otherwise, and
4. desirable relief might be granted to the petitioner without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the by-law.

The Board of Appeals will determine if the application packet is complete and will clock it in at a meeting.

**Step 2: Notification of Abutters**: A certified abutters list is available from the Assessor's office. If the property abuts property located in another town or state, you will be required to collect an abutters list from that jurisdiction as well. The abutters list must include direct abutters and abutters to abutters within 300 feet of the subject property.

**Step 3: Review**: Application and plans distributed to Board members for development of recommendation and conditions.

**Step 4: Meeting**: The public hearing on the variance application is discussed at a regularly scheduled Board of Appeals meeting. Note that this public hearing must occur within sixty-five (65) days of the filing of the application.

**Step 5: Decision**: The Board of Appeals must act on the variance request within 90 days following the public hearing on each application. Failure to act within the 90 days constitutes approval.

## Special Permits

Special permits are authorizations to use land or structures for a specific use, which is specifically permitted by the granting of the special permit, subject to general guidelines as, detailed in the bylaw and specific conditions arising from the review process itself are met. Special permits are designed as a flexible tool to assure that the use is in harmony with the intent and purposes of the bylaw.

**Preliminary Review** (optional): Applicant is encouraged to meet informally with the Board prior to official submittal to ensure all requirements are met.

**Step 1: Determination of Authority:** Determine who is the special permit granting authority for each particular class of permit (Planning Board for some, Board of Appeals for some, Board of Selectmen for some, and so forth). Each special permit granting authority shall adopt, and from time to time amend, rules governing the issuance of such permits; such rules may prescribe the form, size, style, contents, number of copies of plans, and the procedures for filing and processing all applications for special permits, and an up-to-date copy of the rules must be kept on file in the office of the Town Clerk.

**Step 2: Filing of Application:** File the Special Permit application along with supporting materials and fees to the special permit granting authority and the Town Clerk. Supporting materials will vary for each application and could include a site plan, owners affidavit, or other documentation. The special permit granting authority will determine if the application packet is complete and will clock it in at a meeting.

**Step 3: Notification of Abutters:** A certified abutters list is available from the Assessor's office. If the property abuts property located in another town or state, you will be required to collect an abutters list from that jurisdiction as well. The abutters list must include direct abutters and abutters to abutters within 300 feet of the subject property.

**Step 3: Review:** Application and plans distributed to Board members for development of recommendation and conditions.

**Step 4: Meeting:** The public hearing on the application is discussed at a regularly scheduled Board of Appeals meeting. Note that this public hearing must occur within sixty-five (65) days of the filing of the application.

**Step 5: Decision:** The special permit granting authority must act on the permit request within 90 days following the public hearing on each application. Failure to act within the 90 days constitutes approval.

**Step 6: Action on Approval:** Note that special permits granted by the Board of Appeals will lapse if not used within One (1) year.

## Administrative Appeals

Administrative appeals are reviews of decisions and determinations made by the zoning administrator in regard to provisions of the zoning bylaw.

## Comprehensive Permits

Based on MGL 40B, comprehensive permits allow developers of affordable housing to bypass certain aspects of local zoning and other development requirements. Developers and the town both prefer what is referred to as the local initiative project or LIP which is a collaborative process between the Town and the developer rather than a developer-driven adversarial alternative. The LIP process for the Town of Ashby is shown step by step below.

**Step 1: Town Notification:** The applicant notifies the Board of Selectmen of interest in developing a 40B project.

**Step 2: Public Workshop Scheduled:** The Selectmen schedule and provide public notification (abutters) of a public workshop.

**Step 3: Preparation for Workshop:** The BOS notifies town departments and boards of the workshop and requests their initial input and comments on the proposed project.

**Step 4: Public Workshop:** The BOS conducts a public workshop to formulate general parameters for the LIP application and hear from stakeholders regarding key issues.

**Step 5: MassHousing Application:** The developer submits a Site Approval Application on the project to MassHousing identifying the specific MassHousing and/or NEF financing program to be utilized. MassHousing staff conducts an initial review of the application to determine whether it is complete and generally consistent with the guidelines of the specific MassHousing and/or NEF program. See the link [https://www.masshousing.com/portal/server.pt/.../40B\\_Overview.pdf](https://www.masshousing.com/portal/server.pt/.../40B_Overview.pdf) for an overview of the MassHousing process.

**Step 6: LIP Determination:** The BOS makes a determination, favorable or unfavorable, based on the findings at the public workshop as to whether the LIP will proceed accordingly. If unfavorable, the LIP process ends. If favorable, the developer shall be eligible to make a formal LIP application to the Board of Appeals.

**Step 7: Formal Application:** Based on favorable determinations by both MassHousing and the Board of Selectmen, the developer may choose to file a formal LIP application with the Board of Appeals. Please refer to the Comprehensive Permit packet from the Town Clerk for filing instructions and procedures.

## **ZONING BOARD OF APPEALS FEE SCHEDULE**

<b>Permit/Application</b>	<b>Fee</b>
Variance	\$125.00
Special Permit	
Administrative Appeal	
Comprehensive Permit – 40B	
Wireless Communication Towers & Facilities	

## **CONSERVATION COMMISSION**

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<b>Commission:</b>	Conservation Commission
<b>Description:</b>	<p>The Conservation Commission is responsible for the protection of wetlands in the Town of Ashby. Wetlands consist of water bodies, riverfront areas, streams and banks, vernal pools, freshwater vegetated wetlands such as marshes and bogs, land under water, areas subject to flooding and other areas defined under the Massachusetts Wetlands Protection Act (WPA). The Commission regulates all activities that may affect or alter a wetland resource area.</p> <p>Refer to <a href="http://www.ashbyma.gov/conservation/conscommindex.htm">http://www.ashbyma.gov/conservation/conscommindex.htm</a> or the Massachusetts Department of Environmental Protection located at: <a href="http://www.mass.gov/dep/water/waterres.htm">http://www.mass.gov/dep/water/waterres.htm</a> for more detailed information.</p>
<b>Public Liaison:</b>	Tim Bauman, Chair <a href="mailto:conscom@ashbyma.gov">conscom@ashbyma.gov</a>
<b>Office Hours:</b>	During scheduled meetings.
<b>Meeting Schedule:</b>	Meetings are 1 <sup>st</sup> and 3 <sup>rd</sup> Wednesdays at 7:30 p.m. in the Land Use Room of the Town Hall as posted on the Town Hall bulletin board
<b>Members:</b>	Consists of Five (5) appointed members: Tim Bauman, Chair Roberta Flashman Bob Leary Cathy Kristofferson 5 <sup>th</sup> seat vacant
<b>Description of Board:</b>	The Ashby Conservation Commission's mission is to protect the Town's wetlands by administering the MA Wetlands Protection Act. The Commission also protects the resources in the Town of Ashby through acquisition, management, education, and regulations: to act as a liaison between the public and other governmental agencies in protecting our natural resources and to become an environmental /educational resource for citizens, groups, organizations, as well as local, State and Federal agencies.
<b>Process/Permits Issued:</b>	Notice of Intent > Order of Conditions Extension Permit for Order of Conditions Request for Determination of Applicability > Determination of Applicability Abbreviated Notice of Resource Area Delineation > Order of Resource Area Delineation Enforcement Orders Certificates of Compliance Emergency Certifications

## Building Permit Signoff

- Permit Processes:** Processes are described in a step-by-step format at the end of this section. Applications may be copied from the town website or from the state at: <http://www.mass.gov/dep/water/approvals/wwforms.htm>
- Advertising Requirements:** Legal notice must be published at least five (5) business days prior to a hearing and sent to abutters within 100 feet. Responsibility for payment of advertising, in the Fitchburg Sentinel, is assumed by the applicant.
- Time Frame(s) for Public Hearings:** A public hearing will be scheduled by the Commission within 21 days upon receipt of a completed application, Request for Determination, Abbreviated Notice of Resource Area Delineation or Notice of Intent. A copy must also be sent to the Massachusetts Department of Environmental Protection (Central Region).
- Time Frame for Decision:** Twenty-one (21) days after the close of the public hearing.
- Appeal Process:** Appeals may be made by applicant, landowner, any aggrieved person, abutter, group of 10 citizens, or Massachusetts Department of Environmental Protection (DEP) and must be submitted to DEP within ten (10) days of permit review decision.
- Fee Schedule:** Visit: <http://www.mass.gov/dep/service/online/fees.htm#info>  
Since fee schedule is complex, you may wish to ask your consultant to assist with explanation.
- Applicable Local, State, and Federal Statutes:** M.G.L. Chapter 131, Section 40  
Massachusetts Wetlands Protection Act & Rivers Protection Act

## Frequently Asked Questions

### *What is a wetland?*

Inland wetlands are areas where water is at or just below the surface of the ground. Although these wetlands can appear dry during some seasons, they contain enough water to support certain plants and soils. Inland wetlands include marshes, wet meadows, bogs, and swamps. Wetlands that border on ponds, lakes, rivers, and streams are called bordering vegetated wetlands.

### *Why are wetlands valuable?*

Wetlands are critical areas that protect human, health, safety, and property by acting as natural water filters removing pollutants and recycling nutrients, they serve as temporary storage for floodwaters, they are important sources of food and shelter for fish and shellfish, they provide critical wildlife habitat, they contribute to natural beauty and recreation, and serve other important functions. The economic cost of preserving and protecting wetlands is significantly lower than the cost of repairing property or replacing the lost services that wetlands provide.

*What is a resource area?*

Areas subject to Wetlands Protection Act (WPA) jurisdiction are called resource areas. Resource areas include riverfront areas, streams and banks, vernal pools, freshwater vegetated wetlands (including marshes, wet meadows, bogs, and swamps), lands under water, areas subject to flooding, bordering vegetated wetlands (BVW), and isolated areas of standing water. The WPA also establishes buffer zones around resource areas where work may be regulated. Depending upon the nature of the resource area, these buffer zones could be 100 to 200 feet wide.

*What are the responsibilities of property owners and others who may perform work in resource areas and buffer zones?*

If your property contains resource areas or land that falls within a buffer zone, your work is likely subject to the jurisdiction of the WPA and requires a filing with the Conservation Commission. Specifically this refers to:

- Wetland resource areas including a 100 foot buffer zone, 50 foot limited coverage area, and a 25 foot no disturb zone where no development can occur and no vegetation or soil disturbed.
- Perennial rivers, streams, and brooks including a 200 foot buffer zone subject to the criteria of the Massachusetts Rivers Protection Act.

Therefore, any development, land clearing, harvesting, or other non-exempt project that creates a disturbance in these areas is subject to the jurisdiction of the act. These could include:

- Paving (driveways, walkways, parking areas, curbing)
- New building construction
- Clearing of vegetation
- Tree removal
- Grading, excavation, grubbing, or filling
- Dumping yard waste in buffer area or resource area
- Snow storage
- New landscaping (including new lawn area or a garden)
- Draining water from a wetland or pumping water into a wetland
- Building or removing dams (including beaver dams)
- Any activity that disturbs the soil or vegetation in a resource area

*If my project falls under the jurisdiction of the WPA, what do I need to do?*

You may be required to file an application with the Conservation Commission. The first step is to arrange to meet with the Commission during a regularly scheduled meeting to discuss your property and project. The Commission will advise you of your next step.

*Will I need professional assistance for my application?*

It is highly recommended that if you need to file with the Conservation Commission you should consider retaining a wetlands specialist or wetlands engineer to help prepare, file, and follow through with the application. This step can save time, money, and may ensure that your application is complete and addresses the issues required by the act.



## **Permit Processes:**

### Request for Determination of Applicability (RDA) and Determination of Applicability

A RDA results in a determination of whether a proposed project is subject to the Wetlands Protection Act (WPA) and thus requires the filing of a full Notice of Intent (NOI). The determination of applicability does not necessarily mean that the wetland boundary delineation is acceptable to the Ashby Conservation Commission. For that, the Conservation Commission recommends that applicants file an Abbreviated Notice of Resource Area Delineation (ANRAD).

If an applicant still desires to follow the RDA process, the following process needs to be followed: After an applicant files a RDA, the Conservation Commission must hold a public meeting within 21 days. This must be advertised in a local newspaper, at the applicant's expense, at least five days in advance of the meeting. The Commission should conduct a site inspection before the public meeting and consider information from a variety of sources, including wetland maps, FIRM maps, topographic maps and observed hydrological and soil characteristics. The Commission must make a finding within 21 days of the public meeting. If the Conservation Commission finds that the proposed activity is subject to the WPA, then the applicant will need to file a Notice of Intent (NOI) and receive an Order of Conditions (OOC) from the Commission before proceeding with any work. If the Commission finds that the project will not affect wetland resource areas, the applicant may proceed with work after a 10 day appeal period has passed.

### Abbreviated Notice of Resource Area Delineation (ANRAD) and Order of Resource Area Delineation (ORAD)

An Abbreviated Notice of Resource Area Delineation (ANRAD) allows an applicant to request a review of a project's wetland boundary lines to confirm with the Commission the resource boundaries. ANRADs are most often submitted when the project includes large or complex areas of delineation where a Request for Determination is not sufficient. The ANRAD process results in the Commission issuing an Order of Resource Area Delineation (ORAD) that may be used to allow work outside the resource area or as part of the Notice of Intent process.

Note: that the ORAD may limit the applicant's ability to make future changes, for instance, the applicant cannot apply for work within 50 feet for 3 years or life of ORAD.

### Notice of Intent (NOI) and Order of Conditions (OOC)

Proponents of projects in wetlands or in the buffer zone around them must apply for an Order of Conditions from the municipal Conservation Commission. A NOI application should describe the proposed work with enough detail to enable the Commission and interested parties to evaluate likely impacts on wetland resources. Applicants must also obtain a list of abutters from the Assessors Office so that the abutters can be notified of the proposed project.

The application, called the Notice of Intent (NOI), which describes the type and boundaries of resource areas and the type of work proposed, is submitted by the applicant to the Conservation Commission along with supporting plans. A professional engineer must stamp the plans. A copy of the NOI is also submitted to the regional office of DEP, which issues a project number for the proposed activity. A legal notice is published in a local newspaper at the applicant's expense. Upon completion of these steps, the Conservation Commission opens the public hearing of the proposal.

If the project is approved, the Commission has up to 21 days to issue an Order of Conditions (OOC). After the Commission issues the Orders there is a 10 day appeal period before work can begin.

### Appeal Process for an Order of Conditions

Abutters, a group of 10 citizens, or the applicant have 10 days to appeal an approval to DEP. If the proposal is denied, the applicant can appeal the decision to DEP. If the project is appealed, MassDEP will issue a Superseding Order of Conditions (SOOC), either confirming or altering the original Order.

#### **Useful Links:**

**Forms:** WPA Form 3 Notice of Intent at [www.mass.gov/dep/water/approvals/wpaform3.pdf](http://www.mass.gov/dep/water/approvals/wpaform3.pdf) - (PDF, 114 KB).

**Fees:** Based on the category of the proposed activity and resources affected (310 CMR 10.03).

**Website:** <http://www.mass.gov/dep/water/index.htm>.

**Contact:** MassDEP Wetlands Program (617) 292-5695.

## BOARD OF SELECTMEN

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<b>Board:</b>	Board of Selectmen
<b>Public Liaison:</b>	Jennifer Collins, Assistant to the Board of Selectmen 978-386-2501, x 11 <a href="mailto:tabos@ashbyma.gov">tabos@ashbyma.gov</a>
<b>Meeting Schedule:</b>	Meetings every other Wednesday. Check complete schedule here: <a href="http://www.ci.ashby.ma.us/Selectmen/Selectmen.htm">http://www.ci.ashby.ma.us/Selectmen/Selectmen.htm</a> and posted at the Ashby Town Hall, 895 Main Street, Ashby, MA 01431
<b>Members:</b>	Peter McMurray Dan Meunier Mike McCallum
<b>Description of Board/ Commission/Committee:</b>	Main legislative body for the Town of Ashby
<b>Licenses/Permits Issued:</b>	Common Victualler's License One Day Liquor License Video Games License Liquor Licenses Class II Motor Vehicle License Class III Motor Vehicle License
<b>Permit Processes:</b>	New applications and transfers for liquor licenses such as Package Store, Wine and Malt and Club involve several ABCC application forms which should be downloaded directly from the ABCC website <a href="http://www.mass.gov/abcc/">http://www.mass.gov/abcc/</a> . Once an application is received by the Board of Selectmen, a hearing date is set and advertised, abutter notifications are mailed out and the applicant must cover the costs for the advertisement. ABCC determines the application fees for the new or transferred licenses and these are paid directly to ABCC. Fees for Annual Renewals of these liquor licenses are determined by the Board of Selectmen.
<b>Advertising Requirements:</b>	Public hearings are advertised a minimum of two weeks in advance of the hearing date. Note that the newspaper of record must receive the ad copy several days in advance of running date.
<b>Time Frame(s) for Public Hearings:</b>	As applicable
<b>Time Frame for Decision:</b>	As applicable
<b>Appeal Process:</b>	As applicable
<b>Fee Schedule:</b>	See table below.

Applicable Local, State, and Federal Statutes: MGL Chapter 140

[\*\*\*see above determined by ABCC "Blue Book"\*\*\*]

**BOARD OF SELECTMEN PERMIT FEE SCHEDULE**

<b>Permit/ License - Board of Selectmen</b>	<b>Annual Fees</b>
Common Victualler's License	\$30.00
Video Games License	\$35.00
Class II - Used Car	\$50.00
Class III - Junk	\$60.00
<b>Permit/License - Board of Selectmen</b>	
Liquor - Package All Alcohol	\$425.00  These fees may go back to full price. TBD by BOS in Dec 2012.
Liquor - Package Beer & Wine	\$250.00
Liquor - Club All Alcohol	\$100.00
One Day Liquor License	\$15.00

## TOWN CLERK'S OFFICE

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<b>Department:</b>	Town Clerk's Office
<b>Staff Liaison:</b>	Lorraine Pease, Town Clerk 978-386-2424, x 10 <a href="mailto:tclerk@ashbyma.gov">tclerk@ashbyma.gov</a>
<b>Office Hours:</b>	8:00 am to 12:00 pm, Monday – Thursday, and 5:00 pm to 8:00 pm, Wednesday
<b>Board:</b>	Not applicable
<b>Permits Issued:</b>	Business Certificate Vital Records Dog License Voter Registration Marriage Intentions Burial Permit ZBA/Planning Application Filings Election Nomination Papers
<b>Permit Processes:</b>	Applications are available during normal business hours.
<b>Advertising Requirements:</b>	For ZBA Applications for Variance and Special Permits. Legal ad published twice in local newspaper, first ad must be at least 14 days prior to date of public hearing. Responsibility for advertising requirement is assumed by the town.
<b>Time Frame(s) for Public Hearings:</b>	Within 65 days from the date of filing of completed application. See ZBA guidelines for detailed information.
<b>Time Frame for Decision:</b>	Within ninety days following date of the public hearing. Copies of the decision must be filed with the Town Clerk within fourteen days in the office
<b>Appeal Process:</b>	Applicant may appeal within 20 days of filing of decision with the Town Clerk.
<b>Fee Schedule:</b>	See table below.
<b>Applicable Local, State, and Federal Statutes:</b>	MGL Chapters 40A & 140

## TOWN CLERK PERMIT FEE SCHEDULE

<b>Permit/Certificate - Miscellaneous</b>	<b>Fee</b>
Business Certificate	\$10
Vital Records	\$5
Voter Registration	Free
Raffle Permit	\$10
Burial Permit	Free
<b>Permit/License - Dog &amp; Kennel</b>	
Kennel License	
4 or Less Dogs	\$25
5-10 Dogs	\$50
Over 10 Dogs	\$75
Dog License	
Neutered or Spayed	\$6
Not Neutered or Spayed	\$10

# HIGHWAY DEPARTMENT

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<b>Department:</b>	Highway Department
<b>Staff Liaison:</b>	William Davis., Superintendent 978-386-2272
<b>Office Hours:</b>	7:00 am to 3:00 pm, Monday – Friday (winter) 6:00 am to 2:00 pm, Monday – Friday (summer)
<b>Description of Dept.:</b>	The Highway Department has the powers and duties of all matters relating to Public Works including roads, bridges, culverts, and other public infrastructure.
<b>Permits Issued:</b>	Right of Way permits, Tree permits (ROW) and Driveway permits
<b>Permit Processes:</b>	Applications may be obtained at the Highway Department office during regular business hours or online at <a href="http://www.ashbyma.us">www.ashbyma.us</a>
<b>Fee Schedule:</b>	See table on below.
<b>Applicable Local, State, and Federal Statutes:</b>	Article 10, Section 2 of Town of Ashby Bylaws

The **Right of Way permit** (R.O.W.) is for items or construction that residents / builders would like to place in or on the road side, such as mail boxes and fences.

The **Tree permit** is for residents desiring to remove or limb up trees for public safety purposes within the R.O.W., or that threaten private property outside the R.O.W. Residents who wish to retain the wood may fill out a permit prior to work being started and must comply with the permit requirements. To take down trees in general, permission of the Tree Warden is needed. This permit falls under his jurisdiction unless endangering any or all aspects of travel along a public roadway. The Tree Warden & Highway Superintendent work together to this end.

## Driveway Permit

**Preliminary Review:** It is advisable for the applicant to confer with the Highway Superintendent prior to making a formal application for a Driveway Permit. This informal step can save time and also potentially save expenses regarding engineered drawings.

**Step 1: Prepare Plans:** Based on the requirements for establishing driveways on local and state roads, the applicant shall have prepared a set of plans that show the location and dimensions of the proposed driveway. The plan should identify the road and include the location of the right-of-way, edge of pavement, and any easement or structure located in the right-of-way.

**Step 2: Submit plans and application** for driveway permit to the Highway Department Superintendent.

**Step 3: Highway Department acts on permit application.** Plans may be approved, approved with modifications, or denied.

**HIGHWAY DEPARTMENT PERMIT FEE SCHEDULE**

<b>Permit/ Service</b>	<b>Fee</b>
Driveway Permit	No fee
Right of Way permit (clearing trees in the ROW)	No fee
Permission to open right of way (ROW)	See the Board of Selectmen



## **FIRE DEPARTMENT**

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<b>Department:</b>	Fire Department
<b>Staff Liaison:</b>	Bill Seymour Jr., Chief Non-Emergency, 978-386-5522 E-Mail: <a href="mailto:fchief@ashbysma.gov">fchief@ashbysma.gov</a>
<b>Office hours:</b>	8:00 am- 4:00 pm, Monday- Friday.
<b>Permits Issued:</b>	Registration of Underground Storage Tanks Gun Powder Permits Fire Reports from Insurance Company L.P. Gas Permits Oil Burner Permits Power Burner Permits Removal of Underground Storage Tanks Flammable Fluid Permits Transportation of Flammable Fluid/Tank Trucks Home inspections Review Prints/New Home (smoke detectors) Fireworks Permits Smoke Detector Inspection/New Homes/Resale Blasting Permits
<b>Permit Processes:</b>	Fire Department approval of fire protection and/or notification systems, including smoke and CO alarms, is required prior to issuance of a building permit involving the addition of a bedroom or major upgrade of a building. In addition, plan approval is required prior to issuance of a building permit for the construction of certain commercial and industrial structures. Plans must include adequate fire suppression and/or notification systems and may require sprinkler systems and a fire protection narrative. Definitive Subdivision Plans shall be provided with adequate fire protection installation and maintenance in accordance with the Department's "Fire Protection Water Supply Regulations".
<b>Advertising Requirements:</b>	For ZBA Applications for Variance and Special Permits only. Legal ad published twice in local newspaper, first ad must be at least 14 days prior to date of public hearing. Responsibility for advertising requirement is assumed by the town.
<b>Time Frame(s) for Public Hearings:</b>	Within 65 days from the date of filing of completed application.
<b>Time Frame for Decision:</b>	Not applicable
<b>Appeal Process:</b>	Not applicable
<b>Fee Schedule:</b>	See table below.
<b>Applicable Local, State, and Federal Statutes:</b>	M.G.L Chapter 148

### Ashby Fire-EMS Department Fee Schedule

Permits	Fee	Legal Authorization	Comments	Form
Blasting	\$25.00	MGL Ch.148 Sec 13 / 527 CMR 13.04 (2 & 11)	May require fire detail	FP6
Bonfires - Ceremonial	N/C	MGL Ch.111 Sec 142(H)(I) / 527 CMR 10.23	Requires fire detail	FP6
Burning Christmas Trees	\$25.00	MGL Ch.111 Sec 142(G) / 527 CMR 10.23	May require fire detail	FP6
Bowling Pin & Lane Refinishing	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 10.15		FP6
Cannon & Mortar Firing	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 22.03	Site visit required	FP6
Carbon Monoxide Inspection	\$25.00	MGL Ch.148 Sec 26F1/2 / 527 CMR 31.00	Site visit required	FP7C
Combustible Fibers	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 28.03		FP6
Compressed Natural Gas (CNG)	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 26.08		FP6
Cutting and Welding	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 39.04	May require fire detail	FP6
Dust Explosion Prevention	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 10.16		FP6
Explosives & Black Powder	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 13.04		FP6
Fire & EMS Reports (copies)	\$10.00	MGL Ch.66 Sec 10 / HIPAA	Plus \$0.50 per page	
Fire Protection Equipment	\$25.00	MGL Ch.148 Sec 27A / 527 CMR 10.03(15)	Site visit required	FP6
Fire Protection System	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 10.03(15)	Site visit required	FP6
Fireworks Display	\$25.00	MGL Ch.148 Sec 39A / 527 CMR 2.05	Requires fire detail	FP6
Flammable & Combustible Liquids (Underground tanks)	\$25.00	MGL Ch.148 Sec 23, 38A / 527 CMR 14.03, 15.04	Site visit required	FP6/FP290
Flammable Gases & Solids	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 14.03		FP6
Fuel Transfer Operations	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 5.08		FP6
Fumigation & Insecticidal Fogging	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 10.06		FP6
Hazardous Substances (unattended)	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 25.08		FP6
Limited Special Effects	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 2.09		FP6
LP-Gas	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 6.08	Site visit required	FP6
Oil Burning Equipment	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 4.03	Site visit required	Form 1
Open Air Fires - Agricultural	\$25.00	310 CMR 7.07 / 527 CMR 10.22	Year round with permission	AFD Form
Open Air Fires - Brush	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 10.22	Jan 15th - May 1st each year	AFD Form
Open Air Fires - Cooking	\$25.00	MGL Ch.148 Sec 13 / 527 CMR 10.22	Appropriate size for cooking	N/A
Ovens & Furnaces	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 10.19		FP6
Smoke/CO Insp - 1st Dwelling Unit	\$25.00	MGL Ch.148 Sec 26F / 527 CMR 24.00	Site visit required	FP7
Smoke/CO Insp - Each Additional Unit	\$10.00	MGL Ch.148 Sec 26F / 527 CMR 24.00	Site visit required	FP7

Sprinkler Installation/Alteration	\$25.00	MGL Ch.148 Sec 10A, 27A	Site visit required	FP6
Storage, Combustible Materials	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 10.03	Site visit required	FP6
Tank Vehicles Parked Overnight	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 8.04, 14.03		FP44
Tanks & Containers	\$25.00	MGL Ch.148 Sec 13, 38A / 527 CMR 9.06, 9.07	Site visit required	FP6
Tar Kettles on Roof	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 10.03		FP6
Tire Storage	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 10.03	Site visit required	FP6
Torches & Heat-Producing Devices	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 10.24		FP6
Transport of Combustible Liquids	\$25.00	MGL Ch.148 Sec 10A / 527 CMR 8.04, 14.03		FP6

Notes:

1. Fee is due at time of permit issue
2. Permits are granted only after all laws, rules and regulations are met
3. Failure to meet requirements as part of permit may result in revocation.
4. Paid fire details will be determined by the Chief at the time the permit is issued.
5. The Fire Chief or designee may place additional requirements on permits at time of application or any time permit is active to ensure public safety.
6. The enclosed comments and notes are for assisting the administration in obtaining fees and regulating permits
7. Actual laws, rules and regulations are subject to change and take precedence over this document.
8. Fees may be waived for work performed on government or municipal buildings.

Last updated:  
11/21/12

## POLICE DEPARTMENT

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<b>Department:</b>	Police
<b>Staff Liaison:</b>	Edward Drew, Police Chief 978-386-5652 <a href="mailto:chief@ashbypolice.org">chief@ashbypolice.org</a>
<b>Office hours:</b>	8:00 am- 4:00 pm (Traffic Bureau)
<b>Permits Issued:</b>	F.I.D. Cards Pistol Permits Holiday Permits Police Reports Accident Report Parade Permits Record checks for Adoption, Hawkers, Peddlers, Raffles
<b>Permit Processes:</b>	Obtained Monday through Friday from 8:00 a.m. to 4:00p.m. at the Police station located at 7 South Street.
<b>Fee Schedule:</b>	See table below
<b>Applicable Local, State and Federal Statutes:</b>	M.G.L. Chapter 140, Sections 121-136

### POLICE DEPARTMENT PERMIT FEE SCHEDULE

Permit/ Service	Fee	Notes
F.I.D. Cards**	\$ 100 /6 yrs.	Appointment Required
Pistol Permits**	\$ 100/6 yrs.	Appointment Required
Holiday Permits	free	Retail & Manufacture (7 day notice)
Incident Reports	\$ .50 per page	Come into Office
Accident Report	\$ 5.00 Report	Come Into Office
Parade Permits	Free	Come Into Office
Record checks for Adoption	Free	Come Into Office
Record checks for Peddlers	\$ 10	Come Into Office
Raffles	Free	See Police Chief

\*\* \$100 fee is waived for licensee over age 70 and for any Type/Class "D" renewal. 1st Issue Class "D" permits are \$25. \$100 fee is reduced to \$25 for licensees considered law enforcement personnel.

\*\*Reports are .50 per page if picked up, 1.00 per page if mailed.

\*\*Accident reports are \$5.00 per report \$1.00 per page after 6 pages.

## LIST OF FEDERAL AND STATE PERMITS AND/OR APPROVALS

The following list was adapted from the Westminster Development Guidebook. The list is by no means exhaustive, and if any question exists you are encouraged to seek legal counsel. The majority of small development projects will not have need for any federal or state permits or approvals, but as projects increase in size and complexity, the applicant should be aware of the potential applicability of any one or more of the following:

### Federal Permits

1. **National Environmental Policy Act, or "NEPA"** requires the preparation of an environmental impact statement (EIS) to assess the impact of a major federal action, i.e. projects and programs entirely **or** partly financed, assisted, conducted, regulated or approved by federal agencies, that may have a significant impact on the quality of the human environment. Major federal actions are either defined by statute or determined by agency officials.
2. **Clean Water Act, Section 404 Permit** requires a project involving the discharge of dredged or fill material into waters of the United States (including federally defined wetlands) to obtain a permit from the Army Corps of Engineers. The permit may be a programmatic general permit, an individual permit or an official letter of permission.
3. **Clean Water Act, Water Quality Certification Approval** requires the state to determine whether certain activities meet state water quality standards; if they don't, the Corps of Engineers is prohibited from issuing a Section 404 permit for the activity.
4. **Rivers and Harbors Act of 1899, Section 10 Permit** requires a federal permit from the Army Corps of Engineers for dredging, filling or obstruction of navigable waters; the Section 10 permit is often applied for in conjunction with a Section 404 permit
5. **National Flood Insurance Act and Flood Disaster Protection Act Certification** requires that banks not make, extend or review any loan secured by improved real estate located in **an** area having flood hazards, and in which flood insurance is available, unless the building securing the loan is covered by flood insurance. This usually requires architectural or engineering review and certification of building plans to the lender.
6. **Clean Air Act Permits or Approvals** may be required directly from the Environmental Protection Agency for certain emissions and hazardous air pollutants from new sources of these regulated air pollutants; most of the federal requirements, however, are incorporated by Massachusetts in its State Implementation Plan, or SIP (see State Clean Air Act).
7. **National Historic Preservation Act Section 106 Review** requires that certain federally assisted, permitted and licensed activities that might have an adverse effect on properties listed with, or eligible for listing with, the National Register of Historic Places be reviewed concerning that effect and its consequences; Section 106 review is accomplished by submitting a Project Notification Form to the Historical Commission.
8. **Environmental Protection Agency Stormwater Notices of Intent and/or NPDES Permits** are required for stormwater discharges associated with certain industrial activities. Industrial activity was recently redefined to include "construction activity including clearing, grading, and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale". The project owner and operator are required to file a Notice of Intent and pollution abatement plan with the Environmental Protection Agency.

## State and Regional Permits

1. **Massachusetts Environmental Policy Act, or 'MEPA'** requires state agencies to evaluate the environmental impact of all projects or activities undertaken by state agencies, and of private projects seeking state funding or permits. An Environmental Notification Form must be **filed** if the project meets one or more of the thresholds specified in the regulations, whereas certain activities automatically require the preparation of an Environmental Impact Report.
2. **Massachusetts Clean Waters Act, Sewer Extension/Connection Permits** are required for the connection of a project to a sewer system unless exempted. There are pretreatment requirements for industrial users, which must be coordinated with the permitting requirements of the Marlborough Westerly Wastewater Treatment Plant.
3. **Massachusetts Clean Waters Act, Surface Water and/or Groundwater Discharge Permits:** Surface Water Discharge Permits, administered jointly by the federal Environmental Protection Agency and the Massachusetts Department of Environmental Protection, are required for point source discharges to U.S. Waters and application should be made simultaneously to both agencies. A permit may also be required for stormwater discharges where runoff is substantially contaminated or if contamination exists because the discharge is located within an industrial area or is associated with industrial activity. If the project is in an unsewered area, a Disposal Works Construction Permit must be obtained from the local board of Health in accordance with Title 5 of the State Environmental Code. If a sewage disposal system with capacity in excess of 15,000 gallons per day will be constructed, a groundwater discharge permit must be obtained.
4. **Waterways, Great Ponds and Tidelands Construction License** must be obtained from the Department of Environmental Protection, Wetlands and Waterways Division, for any construction below the high water line of state waterways, great ponds (ponds over 10 acres in their natural state) and tidelands.
5. **Massachusetts Clean Air Act Approval** must be obtained in writing from the Department of Environmental Protection for the plans, specifications, and proposed operating procedures for the construction, substantial reconstruction or alteration of any stationary source of air pollution, unless specifically exempted. Stationary sources emitting certain pollutant levels must register with DEP as well. Anyone constructing or demolishing a commercial building, or residential building with 20 or more units, must notify DEP at least 10 working days prior to starting work, if it will create emissions that cause or contribute to a condition of air pollution.
6. **Massachusetts Endangered Species Act** prohibits taking or possession of any plant or animal species listed in the federal Endangered Species Act, or the alteration of a significant habitat. A project developer should review the list of endangered species available from the Division of Fisheries and Wildlife, and habitat maps available for inspection at City Hall from the Conservation Commission.
7. **Hazardous Waste Management Permits** may be required from the federal Environmental Protection Agency or state Department of Environmental Protection if any wastes generated by the project are hazardous, depending on the types of quantities generated; contact the Chicopee Fire Department for information.
8. **Massachusetts Historical Commission Approval** must be obtained if a designated historical or archeological landmark will be altered or affected by a project undertaken by a state agency or any private party seeking any state funding, permits or licenses for the project.
9. **State Highway Access Permit** must be obtained in writing from the Massachusetts Highway Department if a project will involve the creation, alteration, expansion or substantial impact upon an opening onto a state highway. This includes property which has access directly onto state highways and property which abuts a state highway layout.

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