



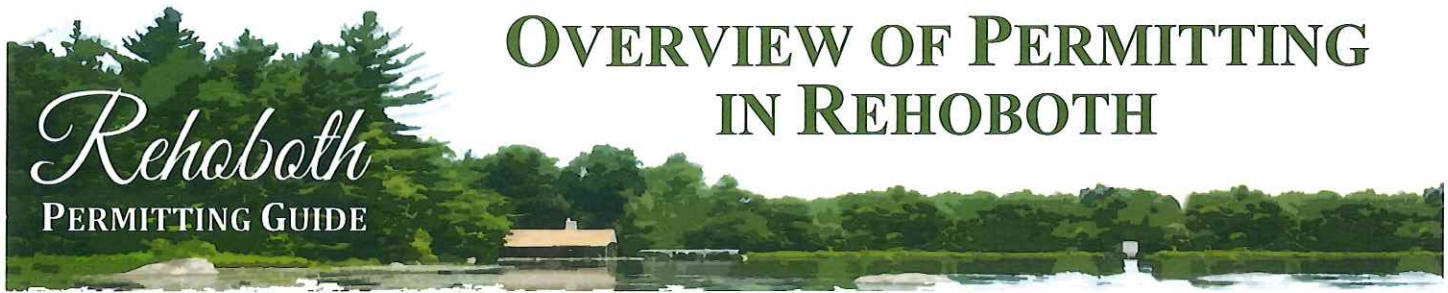
REHOBOTH PERMITTING GUIDE

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www.town.rehoboth.ma.us

148 Peck Street Rehoboth, MA 02769 (508) 252-6502

Office Hours: Monday - Thursday 8:00am to 4:00pm, Friday 8:00am to 12:00 noon



OVERVIEW OF PERMITTING IN REHOBOTH



Introduction

The purpose of this guide is to provide a general overview of the local permitting process in the Town of Rehoboth. The guide presents the various types of permits that may be required for a development project and identifies which Town departments should be contacted to submit a permit application or ask for help.

Please be aware that this guide is intended for use as a source of general guidance and does not carry the force of law. Individual permits may be subject to appeal periods once granted, and filing fees, which can vary by project size, usually also apply. Also, this guide reviews the local permitting process; it does not describe permits that may be required by federal or state agencies. The guide is not intended to include an exhaustive list of all possible licensing and permitting situations – when in doubt, please ask!

Strict adherence to the Town's permitting requirements will prevent expensive project delays and reduce the risk of having to make costly plan revisions. In turn, Town officials will work closely with applicants to guide them through the development process to help achieve the successful completion of projects.

The Town of Rehoboth seeks to foster safe, high quality development in the Town that will create jobs for our residents, broaden the Town's tax base and enhance Rehoboth as a viable place to live and work. To achieve these goals, Town officials will strive to:

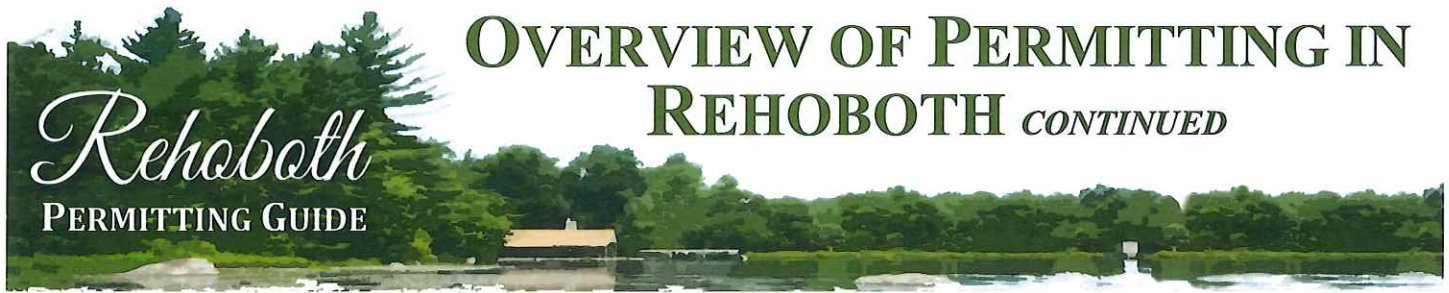
- Streamline the permitting process when possible;
- Respond in a timely manner to inquiries and requests for guidance;
- Cooperate with officials from other departments to minimize conflicting requirements; and
- Consistently administer the Town's regulations to ensure that the permitting process is fair and open.

These goals are part of Town government's overall commitment to be responsive to the residents and businesses of the Town of Rehoboth.



Website

Generally speaking, most of the permit applications, regulations, forms and fee schedules (which are the costs to file permit applications) related to the various permits described in this guide can be obtained from the Town's website at www.town.rehoboth.ma.us. In addition to the links for various departments, commissions and boards on the top left side of the homepage, there is a block entitled "Citizen Action Center" for businesses and residents on the left side of the page with a "forms/documents" tab which lists many of the permit applications which may be of interest. For more information, the individual department should be contacted directly.



Rehoboth

PERMITTING GUIDE

OVERVIEW OF PERMITTING IN REHOBOTH *CONTINUED*

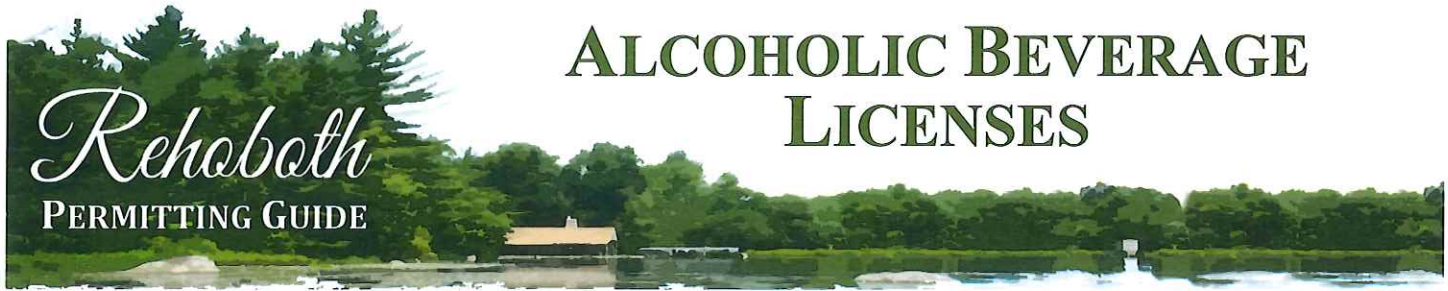


Advice from Town Departments

Often, the first step when considering a project is to contact the Building Department to discuss the project and obtain further information on any permitting that may be needed. Depending on location and scope of project, you may need to meet with the Planning Board, Conservation Commission, Zoning Board of Appeals, Board of Selectmen, Board of Health, and perhaps others.

Because these departments work with the process on a daily basis, Town officials can offer advice on what issues will need to be addressed, how long the permitting process may take, and what types of conditions may be required as part of an approval. By seeking advice in the initial development phases of a development proposal, proponents of a project can minimize the costs associated with changes.

As the development process proceeds, questions will inevitably arise. It is usually valuable to contact the applicable Town officials **before** a permit application is submitted or even before a proposal is fully developed, to receive a preliminary opinion from Town officials to determine how a project may be received by the Town. The Town encourages this approach.



Who needs an alcoholic beverage license?

Any business that sells, stores, distributes, serves, or delivers alcohol must have an alcoholic beverage license. This includes retail pouring and package sales.



Who oversees alcoholic beverage licensing?

Most alcoholic beverage licenses must be approved by both the Rehoboth Board of Selectmen and the Massachusetts Alcoholic Beverages Control Commission (ABCC). The Board of Selectmen ultimately issues licenses for restaurants and package stores (retail licenses), while ABCC has sole issuing authority for manufacturers, wholesalers, import/exporters, and caterers.



How do I get an alcoholic beverage license?

The application process varies for each type of license. You are strongly encouraged to consult the Board of Selectmen's office to determine which forms and processes to complete. Both state application fees and local license fees apply. **Note: A limited number of licenses can be issued in the town– check for availability.** For example, applicants for a new retail alcoholic beverage license follow this process:

1. **Application and hearing:** Complete the appropriate online application on ABCC's website, print and sign it, and submit the fee. Then submit this application to the Board of Selectmen's office, who will post it as an agenda item for a public hearing. You will need to be present at the hearing to answer questions or concerns from the Board.
2. **Local and state review:** The Board of Selectmen will review your application and, if approved, forward to it the ABCC. Once approved by the ABCC, the Board of Selectmen will issue the alcoholic beverage license upon your submission of the licensing fee.



Time frame for a decision

Once approved locally, the ABCC can take four to six weeks to approve an application.



Final steps

Your permit must be renewed annually in November. Any changes to the license, including transferring it, appointing a new manager, or altering the premises, require a new application and review. If you stop operating the business, you must give up your license. If you plan to temporarily suspend your business operations, you must provide at least ten days' notice to the Board of Selectmen's office.

Contact

Helen Dennen, Town Administrator
Kelly Hathaway, Asst. Town Administrator

508-252-3758 ext. 3107

Reference

Massachusetts General Law Ch. 138 (Alcoholic Liquors)
ABCC Application Forms:
<http://www.mass.gov/abcc/forms.htm>

Last updated March 20, 2017



BUILDING PERMITS



What is a building permit?

Building permits are issued to licensed contractors and property owners to allow construction work.



Who needs a building permit?

Building permits are required for the following: All new construction for any type of building (residential and commercial have different fees); All alterations/remodeling and repairs other than general maintenance; Any and all type of solid fuel appliances; All DEP approved outdoor hydronic heaters/boilers; All in-ground and above ground swimming pools with separate fence permit; All fireplace and chimneys that are new or being repaired; All sheds or accessory structures larger than 200 square feet, All roofing and repairs to roofs; All replacement windows, siding, shingles, etc; Any and all demolition work; Any accessory structure larger than 400 square feet requires a footing and four foot deep foundation and any other activity that is regulated by the State Building Code.



What type of work does NOT require a building permit?

- One story detached accessory structures such as tool or storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet
- Retaining walls which retain less than four feet of unbalanced fill
- Ordinary repairs which do not affect the structure, egress, fire protection systems, fire ratings, energy conservation provisions, plumbing, sanitary, electrical or other utilities
- Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work
- Swings and other playground equipment



How do I get a building permit?

Submit a building permit application to the Building Department. The fee is calculated at that time based on the value of construction. After submittal of the application and plans, a building permit is needed to begin construction. **Elements such as foundation, plumbing, and electrical may be permitted separately under certain conditions.** Periodic inspections must be scheduled as elements of the project are completed. **Note:** Permits become invalid if work does not start within 180 days of the permit being issued or if work is suspended for 180 days after starting. The Building Inspector may grant extensions. After your work is completed and a final inspection and review is made, the project will receive a **Certificate of Occupancy** from the Building Department, which is required to occupy the building.



Rehoboth PERMITTING GUIDE

BUSINESS CERTIFICATES



Who must file a Business Certificate?

Anyone conducting business in Rehoboth under a name other than their own complete real name or any corporation doing business in a name other than the corporate name must file a Business Certificate with the Town. This is commonly known as a "doing business as" or "DBA" certificate. Failure to do so carries a fine of up to \$300 per month. In the case of a corporation, the form must be filed by a corporate officer. Note that Inc., Corp., and Ltd. may only be used by a corporation.



What are the steps?

The Home Occupation Application, Business Certificate Sign Off Sheet, and Business Certificate Form are all available on the Town website and at the Town Clerk's office.

Sign-off sheet: If you have a home business and can answer "No" to every question on the Home Occupation Application, sign and complete this application rather than the sign-off sheet. If you answer "Yes" to any question, fill out the Business Certificate Sign Off-Sheet and obtain the Building Inspector/Zoning Officer's signature at the Building Inspector's Office located at 320 Anawan Street. The officer may also require approval from the Board of Health and Fire Department.

Business Certificate application: Fill the Business Certificate application form out completely, except for the expiration date. Sign the form before a Notary Public. (The Town Clerk's office provides free Notary services.) Submit your Business Certificate application to the Town Clerk's Office at 148 Peck St. either in person, online, or by mail. Include either the Business Certificate sign off sheet or the Home Occupation Application completed and signed by the business owner.

To file by mail, send your forms with check or money order for \$50 made payable to the Town of Rehoboth to 148 Peck Street, Rehoboth, MA 02769. If you want a photocopy of your Business Certificate, include a stamped, self-addressed envelope.

To file digitally, scan and email your signed and notarized forms to staff at the Town Clerk's office. You may pay the \$50 application fee using check/debit card or bank transfer by clicking <https://www.invoicecloud.com/rehobothgovsvcs> which is the Town Clerk Payments link on the Town website.



Changes and expiration

If there is a change of ownership, location, or of the owner's residence address, or if the business is discontinued, a form must be filed with the Town Clerk. Fees are generally \$10 for such changes. Business certificates expire four (4) years from the date of filing and must be filed anew every four years as long as the business is conducted.



Do I have to display the certificate?

No. But you must, upon request during regular business hours, provide a copy to any person who has purchased goods or services from your business.



OPENING A BUSINESS

Rehoboth PERMITTING GUIDE



Getting Started

You will need to register your business name by filing a **BUSINESS CERTIFICATE** with the Town Clerk. Businesses who file with the Secretary of State's Office do not need to file in the Town.



What other permits/requirements may be needed?

- **Building Permit:** To construct, enlarge, alter, remove, or demolish a structure or parking lot, you may need a building permit. (See **BUILDING PERMIT**.)
- **Certificate of Occupancy:** If a building permit was required, you will need a certificate of occupancy once the work has been completed.
- **Special Permit:** Check to see if the use being planned requires a special permit in the zoning district in which the property is located. (See **SPECIAL PERMIT**.)
- **Site Plan Approval:** Construction or exterior alteration of a commercial or industrial structure requires Site Plan Approval. (See **SITE PLAN APPROVAL**.)



Other questions to consider:

Is my business permitted in the zoning district in which the property is located? Check which zoning district your site is in and whether your proposed use is permitted in the Zoning By-Laws.

Will there be enough parking? Each use has required parking based on factors such as retail square footage or the number of restaurant seats. Check the Schedule of Minimum Off-Street Parking Requirements in the Zoning By-Laws. The Zoning Board of Appeals may reduce the requirement by special permit.

Am I going to put up a new sign? Signs are subject to requirements in the Zoning By-Laws (Section 6.5).

Am I going to serve alcohol? You will need an **ALCOHOLIC BEVERAGES LICENSE**.



What is Site Plan Approval?

Some development projects require official Town review and approval. A site plan is an in-depth, professionally prepared plan, along with supporting documentation, of how you plan to develop a site. Typically, it is drawn by an engineer and includes building footprints, parking, driveways and roads, drainage systems, sewer and water features, lighting, landscaping and signage.

The goal of site plan approval is to ensure that new development is designed in a manner which reasonably protects visual and environmental qualities and property values of the Town, and to assure adequate drainage of surface water and safe vehicular access.



Which projects require Site Plan Approval?

Construction or exterior alteration of a commercial or industrial structure requires Site Plan Approval. Section 4.0 "Use Regulations" of the zoning by-laws indicates other uses for which Site Plan Approval is required.



Who conducts Site Plan Approval?

The Planning Board reviews site plans in consultation with other Town entities, including but not limited to the Building Inspector, Board of Health, Conservation Commission, Highway Department, Fire Department, and Police Department. The Planning Board may waive any or all requirements of site review for external enlargements of less than 25% of the existing floor area.



What are the steps of site plan review and approval?

1. Application: Submit the Site Plan Approval application to the Planning Board along with eight copies of the site plan and a fee of \$600 plus \$0.75 per square foot of gross building area. The Planning Board will transmit copies to other Town departments. The site plan must be prepared by a registered architect, landscape architect, or professional engineer unless this requirement is waived by the Planning Board, and must contain the elements listed in Section 6.7.4 of the zoning bylaw. The Planning Board may hire professional assistance to review plans and inspect improvements at the cost of the applicant.
2. Public hearing: The Planning Board will hold a public hearing on the proposal.
3. Review: The Town boards will review the site plan, considering the criteria in Section 6.7.6.01 of the bylaw.



Time Frame for Decision

The Planning Board holds the public hearing within 65 days of the receipt of the application, and takes final action within 90 days from the date of filing.



SPECIAL PERMITS

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What is a Special Permit?

A Special Permit is a permit for a use or structure that is not allowed as a matter of right in a particular zoning district, but is permitted if certain special conditions defined in the zoning bylaw are met.



Who needs a Special Permit?

Typical uses requiring a special permit in certain districts include affordable housing subdivisions, multifamily housing, wind and solar energy facilities, common driveways, expansion or alteration of a pre-existing nonconforming building, certain activities within the Groundwater Protection District, mobile homes, adult bookstores, medical/recreational marijuana facilities, gas stations, motels, and drive-thrus. Special Permit uses are noted in Article 8.0 as well as in other sections of the zoning bylaw.



Who oversees the Special Permit process?

The Zoning Board of Appeals (ZBA), as well as the Planning Board are the special permit granting authority. In either case, the special permit granting authority reviews, approves or denies special permit applications.



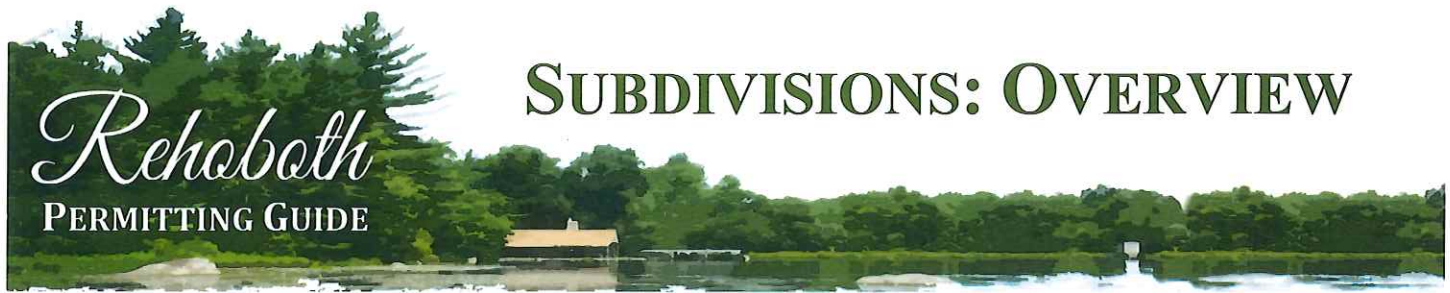
How do I file a Special Permit application?

1. Consultation: Before filing an application, you are encouraged to stop by the Planning Department to inquire if you need to submit an application with the Planning Board or the ZBA.
2. Application: File the application, copies of your site plan, certified list of abutters, and application fee with the Town Clerk. (*Applications can be found on the town website, Planning Department page*)
3. Public Hearing: Upon filing, you will be provided with a date for your public hearing. This is your opportunity to present your application to the ZBA or PB, and any interested neighbors, as well as receive feedback on your proposal and answer questions.



What is the time frame for a decision?

The ZBA or PB must conduct the public hearing within 65 days of the filing date of the petition and must render a decision within 90 days from the close of the public hearing. The timeframe may be extended upon your written mutual agreement with the board. If not exercised within one year of issuance, most special permits will lapse.



What is the subdivision of land?

A subdivision of land is the division of a parcel into two or more parcels. The Planning Board reviews and approves applications for subdivisions. In order to be conforming and buildable, each new lot must meet dimensional and other requirements in the Subdivision Control Law and in the Town's Rules and Regulations Governing the Subdivision of Land, including a minimum length of road frontage.

Which process do I follow to subdivide my property?

Does each proposed new lot have the required frontage under zoning on an existing street as well as "vital access" for emergency vehicles?

ANR

Apply for an ANR endorsement of the plan. ANR (Approval Not Required, also known as Form A) is a streamlined process where the Planning Board may determine that the proposed changes are not subject to review under state Subdivision Control Law. ANR can also be used to redraw existing parcel lines or to merge parcels together. New ANR lots are not necessarily buildable.



21-day review



No public hearing

OR Will a new road be needed to provide the required frontage?

Are you subdividing non-residential land OR do you want the Planning Board, Conservation Commission, and Board of Health to review and comment on your preliminary drawings before you invest in the engineering drawings required for a Definitive Subdivision Plan?

Preliminary Subdivision Plan

A Preliminary Plan allows you, the Town, and abutters to discuss the proposed subdivision.



45-day review



No public hearing

Do you want the Planning Board to approve your final plans for a subdivision so you can start construction?

Definitive Subdivision Plan

File a complete and detailed plan showing the proposed lots and roadways.



135-day review if no Preliminary Plan; 90-day review if a Preliminary Plan is approved



Public hearing required

Contact Leeann Bradley, Town Planner-508-252-6891-ext. 3108

LBradley@town.rehoboth.ma.us

Reference Massachusetts General Law Ch. 41 §81P
Town of Rehoboth Rules and Regulations Governing the Subdivision of Land

Last updated March 20, 2017



SUBDIVISIONS: ANR



What is an Approval Not Required (ANR or Form A) Plan?

An ANR or Form A plan is a subdivision of land that creates a lot (or lots) having the required frontage under zoning and having adequate access on an existing way. An ANR endorsement is a determination that the plan does not require review under the state Subdivision Control Law.



Who oversees the ANR process?

The Planning Board is the administrative authority that reviews and endorses plans.



How do you apply for an ANR determination?

Submit a completed Form A application, one Mylar plan, copy of existing deed, nine print copies of the plan, application fee of \$1,000 plus \$400 per newly created buildable lot, and any other information required in the Rules and Regulations to the Planning Board.

If there is only a lot line change and no new buildable lot is being created, there will only be a flat application fee of \$400.

The materials may be submitted either at a regular Planning Board meeting, by registered mail in care of the Town Clerk, or by delivery to the Town Clerk.

What is the timeframe for decision?



Within 21 days of the application being stamped as received by the Town Clerk, Assistant Town Clerk, or Clerk of the Planning Board, the Planning Board will determine if the plan does not require review as a subdivision and therefore may be endorsed by the Planning Board, or if the plan does require subdivision approval.

Contact

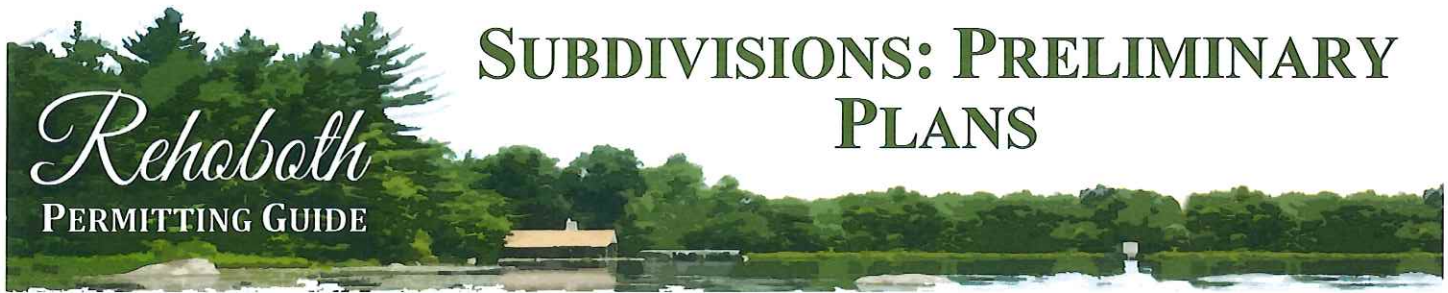
Leeann Bradley, Town Planner-508-252-6891 ext. 3108

LBradley@town.rehoboth.ma.us

Reference

Massachusetts General Law Ch. 41 §81P
Rehoboth Rules & Regulations Governing the Subdivision of
Land

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What is a Preliminary Subdivision Plan (Form B)?

A Preliminary Plan is a recommended step for residential subdivisions and a mandatory step for non-residential subdivisions during which an applicant can receive Town feedback on a proposed subdivision. The Preliminary Plan review process serves to resolve issues and determine the need for changes before the more expensive creation of a Definitive Subdivision Plan (Form C).



How do I file a Preliminary Subdivision Plan?

Submit to the Planning Board a completed Form B application, review fee of \$2,800 plus \$500 per lot, and 15 prints of the site plan drawn according to the Town of Rehoboth Rules and Regulations Governing the Subdivision of Land and prepared by a registered Engineer and Land Surveyor. File additional copies with the Board of Health and the Conservation Commission. File a copy of the application and a notice to the Town Clerk to record the date of submission.



What is the timeframe for a decision?

Within 45 days after submission, the Planning Board must notify the applicant and the Town Clerk either that the plan has been approved, that the plan has been approved with modifications or conditions, or that the plan has been disapproved and the reasons for disapproval. If the Planning Board fails to act on the plan within 45 days, it will be deemed approved.

Contact

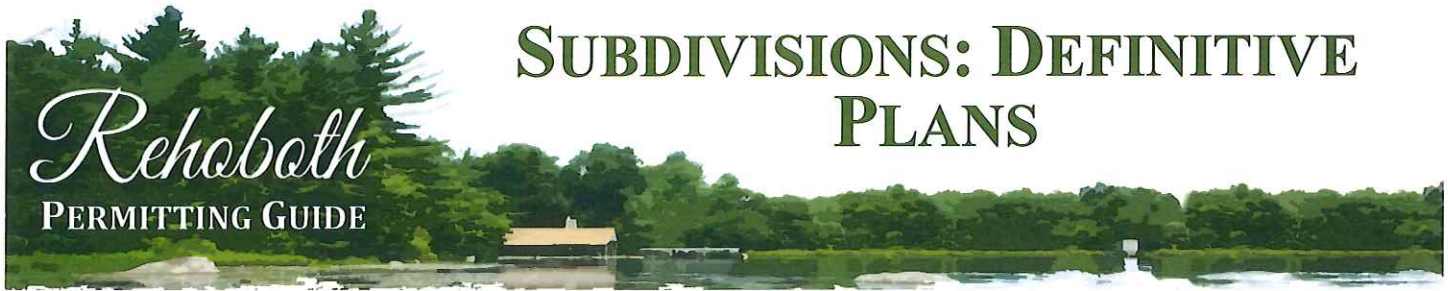
Leeann Bradley, Town Planner-508-252-6891 ext. 3108

LBradley@town.rehoboth.ma.us

Reference

Massachusetts General Law Ch. 41 §81S
Rehoboth Rules & Regulations Governing the Subdivision of
Land

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Rehoboth

PERMITTING GUIDE

SUBDIVISIONS: DEFINITIVE PLANS



What is a Definitive Subdivision Plan (Form C)?

A Definitive Subdivision Plan shows a complete and detailed plan of a subdivision and infrastructure for final approval.



How do I file a Definitive Subdivision Plan?

1. Application: Submit a completed Form C application, the Mylar plan, 20 contact prints, application fee of \$10,000 plus \$1,500 per lot (or \$4,000 plus \$1,250 per lot if a Preliminary Plan (Form B) has been filed within one year), a deposit to cover advertising and notice, and an environmental impact evaluation (as detailed in section 403.1.28 of the Town of Rehoboth Rules and Regulations Governing the Subdivision of Land) to the Planning Board. Two contact prints must also be submitted to the Board of Health and notice must be provided to the Town Clerk. The plan must be prepared, signed, and sealed by a Professional Engineer or Land Surveyor registered in Massachusetts. It must follow the specifications of section 403.1 of the Rules and Regulations.
2. Public Hearing: A public hearing must be conducted before the Planning Board acts on the plan. This is your opportunity to present your application to the Planning Board and any interested neighbors as well as receive feedback and answer any questions from the Board. The Planning Board will forward the plan and all supporting material to an outside consult for review. This cost will be borne by the applicant and the funds will be deposited into an escrow account



What is the timeframe for a decision?

Within 135 days after submission, the Planning Board must notify the applicant and the Town Clerk whether the plan has been approved, or that the plan has been approved with modifications suggested by the Planning Board or agreed upon by the applicant, or that the plan has been disapproved and the reasons for disapproval. If the applicant submits the definitive plan within seven months from the date on which the approved preliminary plan was submitted, the Planning Board must act on the plan within 90 days, unless a waiver of time has been agreed upon between the parties.



What happens next?

The Planning Board files a certificate of its decision with the Town Clerk. This begins a 20-day appeal period. If no appeals are filed, the Town Clerk endorses the definitive plan.

The Planning Board then obtains a performance guarantee from the developer to ensure the construction of the roadways and the installation of municipal services. Once the performance guarantee is in place, the Planning Board endorses the Definitive Plan. The applicant/developer is responsible for having the plan recorded in the Registry of Deeds prior to beginning construction.

Contact

Leeann Bradley, Town Planner-508-252-6891 ext. 3108

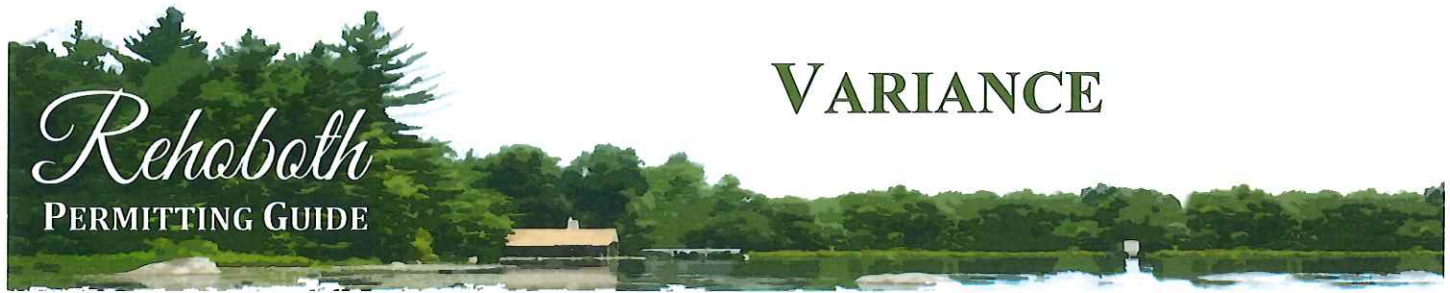
LBradley@town.rehoboth.ma.us

Reference

Massachusetts General Law Ch. 41 §81U

Rehoboth Rules & Regulations Governing the Subdivision of Land

Last updated March 20, 2017



VARIANCE



What is a variance?

A variance is a waiver of certain zoning requirements, typically dimensional standards. *Use variances cannot be granted. This means that if a use is not listed in the Zoning By-Laws, it cannot be allowed by a variance.*



Who needs a variance?

Variances may be granted to property owners or developers who want to construct new or expand an existing building, but their property or building does not meet all dimensional requirements such as lot area, lot frontage, building height or property line setbacks in the Zoning By-Laws.



Who oversees the variance process?

The Zoning Board of Appeals (ZBA) reviews and approves petitions for variances.



How do I file a variance application?

There are multiple steps to getting a variance from the Zoning Board of Appeals (ZBA). Usually, the process includes the following steps.

1. **Consultation:** Before filing your application, you are encouraged to contact the Chairman of the ZBA to have it checked for accuracy and completeness. *The ZBA does not have any administrative staff. Please refer to the Zoning Board of Appeals page on the town's website for specific application/fee instructions.*
2. **Application:** Once completed, you can file the application fee, as well as copies of the petition, site plan, and certified list of abutters with the Town Clerk's Office. At that time, the clerk's office will forward the petition to the Zoning Board of Appeals.
3. **Public Hearing:** Upon filing your application, you will be provided with a date for your public hearing. This public hearing is your opportunity to present your application to the ZBA and any interested neighbors, as well as receive feedback on your proposal and answer any questions those present may have.



What is the time frame for a decision?

The ZBA must conduct the public hearing within 65 days and must render a decision within 100 days of the filing date. The timeframe may be extended upon your written mutual agreement with the ZBA. If not exercised within one year of issuance, the variance will lapse.



What are wetlands?

Wetlands are low-lying areas where water tends to collect and saturate the ground, either year-round or for long periods. Wetlands are most easily identified by the plants, soils and animals that thrive in wet conditions. There are wetlands in every community and they take many forms: banks, beaches, bogs, dunes, marshes, ponds, rivers, salt marshes, streams, tidal pools and wet meadows.



Why do we protect wetlands?

Wetlands provide habitat and food for wildlife. They filter out water pollution, protecting our groundwater supplies and fisheries. They help contain floodwaters and mitigate storm damage.



What is the Wetlands Protection Act?

The Massachusetts Wetlands Protection Act requires a permit from the local Conservation Commission for any proposed activity or project that will “remove, fill, dredge, or alter” a wetland, the one-hundred-foot (100’) buffer zone associated with a wetland, the two hundred (200’) foot riverfront protection area. The term “alter” includes, but is not limited to, any development, construction, destruction of vegetation, change in drainage characteristics or flow patterns, or change in the groundwater. The performance standards under the Act state that there may be no destruction or impairment of bordering vegetated wetlands (BVW) areas, but alteration of up to 5,000 square feet may be permitted at the Commission’s discretion provided the area is properly regulated. The Act gives local communities the authority to determine which wetlands and buffer areas within its jurisdiction are protected, to regulate work in these areas, and to enforce the regulations.



What is the Rehoboth Wetland Protection By-law?

The Town of Rehoboth’s Wetland Bylaw can be found on the Conservation Commission’s webpage. It is solely “fee based” and does not protect wetland resource areas beyond the Wetlands Protection Act requirements. The Commission has also enacted a separate Policies document which serves to provide clarification to applicants regarding the requirements of permit applications and plans. This document is also available on the Conservation Commission’s page.



Do I need a wetland permit?

The **Request for Determination of Applicability (RDA)** process determines whether the work you are proposing will affect any adjacent wetland resource areas. The application asks the Conservation Commission to determine whether your proposed work is subject to the Wetland Protection Act and thus requires further permitting. If activity falls within the outer 50’ of the 100’ buffer zone, an RDA is the most appropriate application to submit.

[Continued on next page]

Contact

Leeann Bradley, Conservation Agent-508-252-6891
ext.3108

LBradley@town.rehoboth.ma.us

Reference

Town of Rehoboth Wetland Protection Bylaw; Massachusetts
Wetland Protection Act; Conservation Commission Policies

Last updated March 20, 2017



WETLANDS

[Continued from previous page]

What is an ANRAD?



An **Abbreviated Notice of Resource Area Delineation (ANRAD)** provides a procedure for you to confirm the location of **Bordering Vegetated Wetlands (BVW)** and other resources on a site. This process is commonly utilized prior to the development of detailed engineering plans to ensure that your plan is viable within the constraints of the resource boundaries.

Submit a completed ANRAD application to the Conservation Commission including information and plans about the area as deemed necessary by the Commission. Once approved, the Commission will issue an **Order of Resource Area Delineation (ORAD)**. The ORAD locks the location of the approved wetland line in place for three years from the date of issuance.

What is a Notice of Intent (NOI)?



The NOI application is to apply for permission to work in an area that may impact a nearby wetland resource area. If your plan involves work within a resource buffer area or involves the alteration of a resource area, you will need to apply for this permit. Submit your application along with the information and plans deemed necessary by the Conservation Commission. If the work is found to not incur significant, adverse impacts to a wetland resource area, the Commission will issue an **Order of Conditions (OOC)**, allowing the work with any conditions deemed necessary by the Commission. The permit is valid for three years from date of issuance.

Once the work is completed, you must close out your permit by applying for a **Certificate of Compliance (COC)**, which will allow the Commission to verify that all of the work was performed in compliance with the Order of Conditions and previously approved plan. The process requires an application, asbuilt plan, a statement from the project's professional engineer and a site visit from the Conservation Agent.

Bylaw Filing Fees



- A. Request for Determination of Applicability (RDA): Single family house or lot \$100.00; Commercial/Industrial/Residential Subdivision \$250.00
- B. Notice of Intent (NOI): Existing single family house (addition, septic repair, etc.) \$100.00; New Single Family House \$250.00; Other residential (subdiv/condo, etc.) \$500.00 plus \$2.00/linear foot of roadway sideline within resource area or buffer zone; Non-residential Projects \$750.00 plus \$2.00/linear foot of roadway sideline within resource area or buffer zone.
All Notice of Intent fees filed as a result of Enforcement Action will be doubled.
- C. Resource Area Alterations: **Bordering Vegetated Wetland, Land Under Water and Bordering Land Subject to Flooding (BLSF)** \$1.00/sf of alteration (min. \$100.00/max \$500.00); Bank \$2.00/lf of alteration (min. \$500.00/max \$2000.00)
- D. Resource Area Delineation (NOI & ANRAD): Single family house lot \$1.00/linear ft. (min. \$100.00/ max. \$500.00); Other \$2.00/linear ft. (min. \$500/max. \$2,000.00)
- E. Amendment: Residential Single Family Home \$100.00; All others \$400.00
- F. Extensions \$200.00
- G. Certificate of Compliance: Residential Single Family Home \$50.00; All others \$100.00

The Conservation Commission may, upon proof of financial hardship, waive all or a portion of the above filing fees. The burden of establishing the basis for such waiver falls upon the petitioner.



What is a zoning appeal?

Appeals are reviews of the decisions or orders of Town boards or officials relative to the zoning bylaws. An appeal must be filed within 30 days of the decision or order.



Who can file an appeal?

A zoning appeal can be made by any person who believes that a zoning decision affecting them was not in compliance with regulations. Appeals can also be made by the regional planning agency (SRPEDD), Town boards or officials, or abutting municipalities.



Who oversees the appeal process?

The Zoning Board of Appeals (ZBA) is the administrative authority that reviews appeal applications and upholds or overturns the decision in question.



How do you file an appeal?

1. **Application:** File the application form, fee, copies of the form, site plan, and certified list of abutters to the Town Clerk. Applicants are encouraged to contact the Chairman of the ZBA prior to filing, if they have any questions regarding procedure.
2. **Public hearing:** Upon filing your application, you will be provided with a date for your public hearing. This public hearing is your opportunity to present your application to the ZBA and any interested neighbors, as well as answer any questions those present may have.



What is the timeframe for a decision?

The ZBA must conduct the public hearing within 65 days and must render a decision within 100 days of the applicant's filing date with the Town Clerk. The ZBA's written decision must be filed with the Town Clerk within 14 days of the close of the hearing.