

# TOWN OF SAMPLE PERMITTING GUIDEBOOK

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Last updated:  
June 2007



## TABLE OF CONTENTS

	<u>Page</u>
<b>Introduction</b>	1
<b>The People: <i>Departments and Boards</i></b>	
Board of Health	4
Inspector of Buildings/Zoning Enforcement Officer	9
Electrical/Wiring	10
Plumbing and Gas	12
Department of Public Works	
Highway	14
Sewer	15
Water	16
Conservation Commission	18
Earth Removal Board	20
Groundwater Advisory Committee	21
Fire	22
Planning	
Planning Board	26
Design Review Committee	29
Police	31
Zoning Board of Appeals	32
Contact List for Staff Liaisons	34
<b>The Permits:</b>	
Permit Matrix	35
<b>The Process:</b>	
Project Review and Approval Process	36
Subdivision Approval Process	37
Special Permit Process	38
Variance Process	39
Federal Permits	40
State Permits	41

## INTRODUCTION

The purpose of this guidebook is to summarize for you the various staff persons, departments and boards involved with the development process in the Town of \_\_\_\_\_. The development process requires a number of permits, approvals and licenses be obtained for nearly every development project; only the most common ones related to land based development are summarized in the guidebook. 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. For detailed information, please contact the appropriate staff person.

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## Board of Health

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**Department:** Board of Health

**Staff Liaison:** Jane Smith  
Board of Health Secretary  
John Doe, Board of Health Agent (part-time)  
(413) 000-0000  
[johndoe@townofsample.com](mailto:johndoe@townofsample.com)

**Board/Commission/Committee:** Board of Health

**Meeting Schedule:** Second Wednesday of each month

**Members:** Sara Plain, Chair                      Jonh Doe II  
John Doe III

**Description of Board/Commission/Committee:** The Board of Health is committed to keeping the Town of Sample a healthy environment in which to reside and work.

**Permits Issued:** Food Service Permit  
Septage Handlers Permit  
Disposal Works Installer Permit  
Disposal Works Construction Permit (new and repairs)  
Therapeutic Massage Permit/License  
Establishment Permit for Massage  
Semi-Public Swimming Pool Permit  
Motel License  
Horse and Private Stable Permit and Transfer Permit  
Cider Mill Permit  
Tanning Facility  
Camp Permit  
Body Art Permits

**Process for Obtaining Permit(s):** Application is obtained from Secretary to Board of Health; all permits issued by the Board of Health; depending on circumstances, permit may need to be reviewed by Board at a scheduled meeting

**Advertising Requirements:** Not applicable

**Time Frame for Public Hearing:** Not applicable

**Time Frame for Decision:** Maximum of 45 days to issue permit; if application does not meet requirements, a hearing will be scheduled within 30 days before the Board of Health.

**Appeal Process:** Depending on type of permit, appeals made to D.E.P., Mass. Plumbing and Gas Commission,

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Mass. Division of Food and Drugs

**Fee Schedule:**

Please see next page

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

105 C.M.R.

310 C.M.R.

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**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF SAMPLE  
Board of Health Fee Schedule  
(Check with department for recent fee amendments)**

**FEE RATES: Effective September 13, 1995**

**RESIDENTIAL (NEW) ONE FAMILY UNIT:**

Soil Test Site Visit	
- per 2 deep holes and 2 percs per building lot	\$150
- additional testing same building lot	\$150
Plan Review (with one revision)	\$75
- each additional revision	\$75
- Variance (CMR 15.410; 15.411; 15.412)	\$100

**RESIDENTIAL (NEW) TWO FAMILY DWELLING UNITS:**

Residential Soil Test Site Visit	
- per 2 deep holes & 2 perks per building lot	\$150
- additional holes/testing same building lot (2 deep holes & 2 percs)	\$150
Plan Review (with one revision)	\$150
- each additional revision	\$150
- Variance (CMR 15.410; 15.411; 15.412)	\$200
Disposal System Construction Permit	
- Two Family Dwelling Unit (issued to installer)	\$600
- Variance (CMR 15.410; 15.411; 15.412)	\$800

**RESIDENTIAL (NEW) MULTI-FAMILY DWELLING UNITS:**

Soil Test Site Visit (same as Two Family Dwelling Units)	\$200
Plan Review (with one revision)	\$300
- each additional revision	\$300
- Variance (CMR 15.410; 15.411; 15.412)	\$400
Disposal System Construction Permit (example: 5 units X \$200 = \$1,000)	\$300 per unit
- Variance (CMR 15.410; 15.411; 15.412)	\$500 per unit

**NON-RESIDENTIAL (NEW):**

Soil Test Site Visit (per 2 deep holes & 2 percs per lot)	\$350
- additional testing same lot (per 2 deep holes & 2 percs)	\$350
Plan Review (with one revision)	\$300
- each additional revision	\$300
- Variance (CMR 15.410; 15.411; 15.412)	\$400

**NOTICE: This amends any fees previously set forth in any applicable regulations, permits, or licenses.**

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## Building Department

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<b>Department:</b>	Building
<b>Staff Liaison:</b>	Jane Doe Inspector of Buildings/ Zoning Enforcement Officer (413) 000-0000 <a href="mailto:janedoe@townofsample.com">janedoe@townofsample.com</a>
<b>Board/Commission/Committee:</b>	Not applicable
<b>Meeting Schedule:</b>	Office hours: Monday, Wednesday, Thursday - 8:00 am - 4:00 pm Tuesday - 8:00 am - 7:00 pm Friday - 7:00 am - 12:00 pm
<b>Members:</b>	Not applicable
<b>Description of Board/Commission/Committee:</b>	Not applicable
<b>Permits Issued:</b>	Building Permit Certificate of Occupancy Places of Assembly Certificate of Inspection (annual inspection for some uses) Solid Fuel Burning Appliance Permit
<b>Process for Obtaining Permit(s):</b>	All construction requires a building permit. For advice regarding compliance with zoning bylaws regulations and for permit applications, please contact the Building Department.
<b>Advertising Requirements:</b>	Not applicable
<b>Time Frame for Public Hearing:</b>	Not applicable
<b>Time Frame for Decision:</b>	After all required documentation and plans are submitted, permit review shall not exceed 30 days.
<b>Appeal Process:</b>	Zoning appeals to Sample Zoning Board of Appeals. Building code appeals to Mass. Building Board of Appeals.
<b>Fee Schedule:</b>	Residential: \$10.00/\$1,000.00 construction cost Non-residential: \$10.00/\$1,000.00 construction cost
<b>Applicable Local, State and Federal Statutes:</b>	Mass. Building Code 780 C.M.R.



## Planning Board

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<b>Department:</b>	Planning
<b>Staff Liaison:</b>	John Doe, Town Planner (413) 000-0000 <a href="mailto:townplanner@townofsample.com">townplanner@townofsample.com</a>
<b>Board/Commission/Committee:</b>	Planning Board
<b>Meeting Schedule:</b>	First and third Tuesday of each month
<b>Members:</b>	Joe Doe, Chair                      John Doe Jane Doe                      Joseph Doe
<b>Description of Board/Commission/Committee:</b>	Established by M.G.L. c. 41 s. 81A and governed by local zoning bylaws and subdivision rules and regulations
<b>Permits Issued:</b>	Form A (Approval Not Required) Form B (Preliminary Subdivision Plan) Form C (Definitive Subdivision Plan) Special Permit for Common Driveway Site Plan Review Special Permit for Wireless Communications Facility
<b>Process for Obtaining Permit(s):</b>	Application is made to the Planning Board; applicants are strongly encouraged to meet with the Town Planner prior to the submission of any plans
<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; public hearing is necessary for: Definitive Subdivision Plan, Special Permit for Common Driveway, Special Permit for Wireless Communications Facility and Scenic Road Permit
<b>Time Frame for Public Hearing:</b>	Upon application submission, the Planning Board will schedule a hearing as soon as possible, usually within one-month from date of submittal

Planning Board continued

**Time Frame for Decision:** Preliminary Subdivision Plan, 45 days  
Definitive Subdivision Plan preceded by Preliminary Plan, 90 days  
Definitive Plan where no Preliminary Plan was filed, 135 days  
Site Plan Review, 90 days  
Special Permit for Common Driveway and Wireless Communications Facility, public hearing to be held within 65 days of submittal and decision within 90 days of close of public hearing

**Appeal Process:** Within 20 days after decision is filed, appeal filed in accordance with M.G.L. c. 40A s.17

**Fee Schedule:** Please see next page

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

M.G.L. c. 40A

M.G.L. c. 41

Town of Sample Zoning Bylaw and Subdivision Rules and Regulations

*Common Driveway - common driveway allowed by special permit to service two to five lots; common driveway for two and three lots shall conform to design standards established in the Subdivision Rules and Regulations; common driveway for four and five lots must conform to minimum town road standards*

*Site Plan Review - all new industrial and commercial buildings, significant changes to a building, and significant change of use of a building shall require site plan review before the Planning Board or special permit site plan review before the Zoning Board of Appeals; size of building and zoning district determines which board will be responsible for review (note: design review component for buildings located in the BA & BB zoning district)*

**TOWN OF SAMPLE  
Planning Board  
Fee Schedule**

Form A (Approval Not Required)	\$250, plus \$50 per lot
Form B (Preliminary Plan)	\$500, plus \$50 per lot
Form C (Definitive Plan)	
a. If Preliminary Plan was filed	\$1,000 plus \$100 per lot and \$250, plus \$50 per lot for revisions and \$100 per lot release and inspection
b. If no Preliminary Plan was filed	\$3,000, plus \$250 per lot and \$500, plus \$50 per lot for revisions and \$250 per lot release and inspection
c. Re-issue Lot Release	\$50 per lot
Common Driveways	\$1,000 plus \$100 per lot serviced by driveway
Common Driveway re-file, with no revisions to plan	\$250.00
Common Driveway re-file, with revisions to plan	\$250.00 plus \$50 per lot serviced by driveway
Scenic Road	\$250
Site Plan Review	\$100.00 plus \$25 per 1,000 square feet of proposed floor area over a minimum of 1,000 square
Wireless Communications Facility Special Permit	\$1,000
Wireless Communications Facility Site Plan Review	\$500

[INSERT A SECTION LIKE THE EXAMPLES ABOVE FOR EACH  
TOWN PERMIT GRANTING AUTHORITY]

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**TOWN OF SAMPLE  
STAFF LIAISONS**

**Administration**

Town Manager John Doe Assistant Town Administrator (413) 000-0000

**Board of Health** John Doe Building Coordinator & Board of Health Secretary (413) 000

**Building Department** John Doe Inspector of Buildings & Zoning Enforcement Officer (413) 000

**Electrical/Wiring, Gas & Plumbing** John Doe Building Coordinator (413) 000

**Department of Public Works** John Doe Director of Public Works (413) 000

Water & Sewer John Doe Asst. DPW Director (413) 000

Highway John Doe DPW Coordinator (413) 000

**Engineering Department**

Earth Removal Board John Doe Town Engineer (413) 000

Groundwater Advisory Committee John Doe Town Engineer (413) 000

Conservation Commission John Doe Town Engineer (413) 000

**Fire Department** John Doe Fire Chief (413) 000

John Doe Captain (413) 000

John Doe Fire Marshal (413) 000

**Planning Department**

Planning Board John Doe Town Planner (413) 000

Design Review Committee John Doe Town Planner (413) 000

**Police Department** John Doe Chief of Police (413) 000

**Town Clerk** John Doe Town Clerk (413) 000

Zoning Board of Appeals John Doe Assistant Town Clerk (413) 000

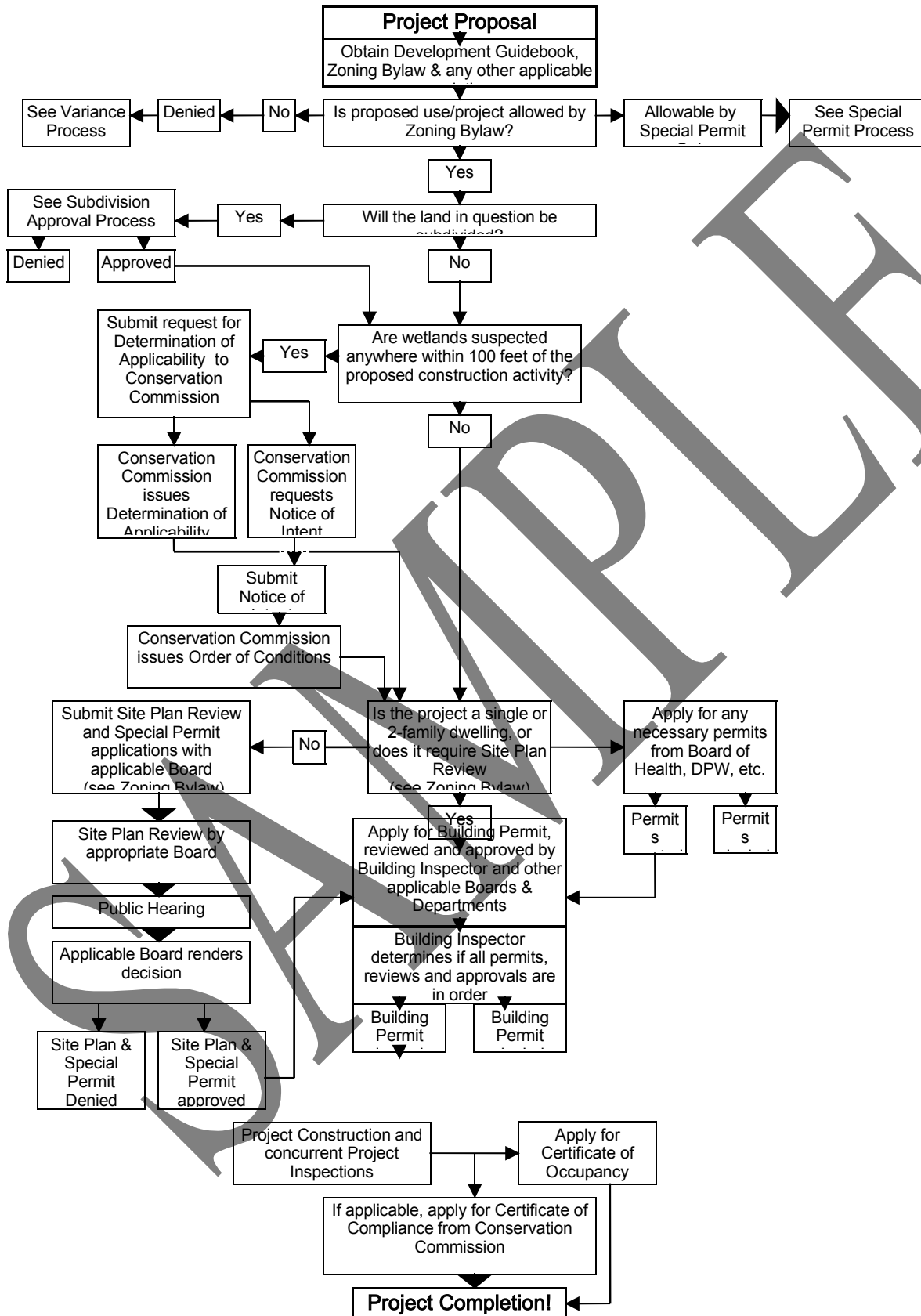
**PERMIT MATRIX**

	Commission Industrial Development	Board of Health	Zoning Enforcement Officer/Inspector of Buildings	Electrical / Wiring	Gas	Plumbing	Highway	Sewer	Water	Conservation Commission	Earth Removal Board	Groundwater Advisory Committee	Fire	Design Review Committee	Planning Board	Police	Zoning Board of Appeals
Allowed Use Determination			X														
Appeal																	X
BA & BB Zone Site Plan Review														X			
Building Permit			X														
Certificate of Compliance										X							
Certificate of Occupancy			X														
Earth Removal Permit											X						
Fire Detection and Suppression Systems													X				
Fire Flow/Pump Test									X				X				
Form A – Approval Not Required															X		
Form B – Preliminary Subdivision Plan															X		
Form C – Definitive Subdivision Plan															X		
Groundwater District												X					
Hazardous Material Storage Permit													X				
Industrial Sewer Permit								X									
Natural/Propane Gas Permit					X												
Order of Conditions										X							
Plumbing Inspection						X											
Removal of Town Trees							X										
Road Opening Permit							X										
Scenic Road Permit															X		
Septic System Installation		X															
Sewer Connection Permit								X									
Site Plan Review															X		X
Special Permit															X		X
Special Permit for Common Driveway															X		
Variance																	X

Water Connection Permit										X										
Well		X																		
Wiring Permit				X																

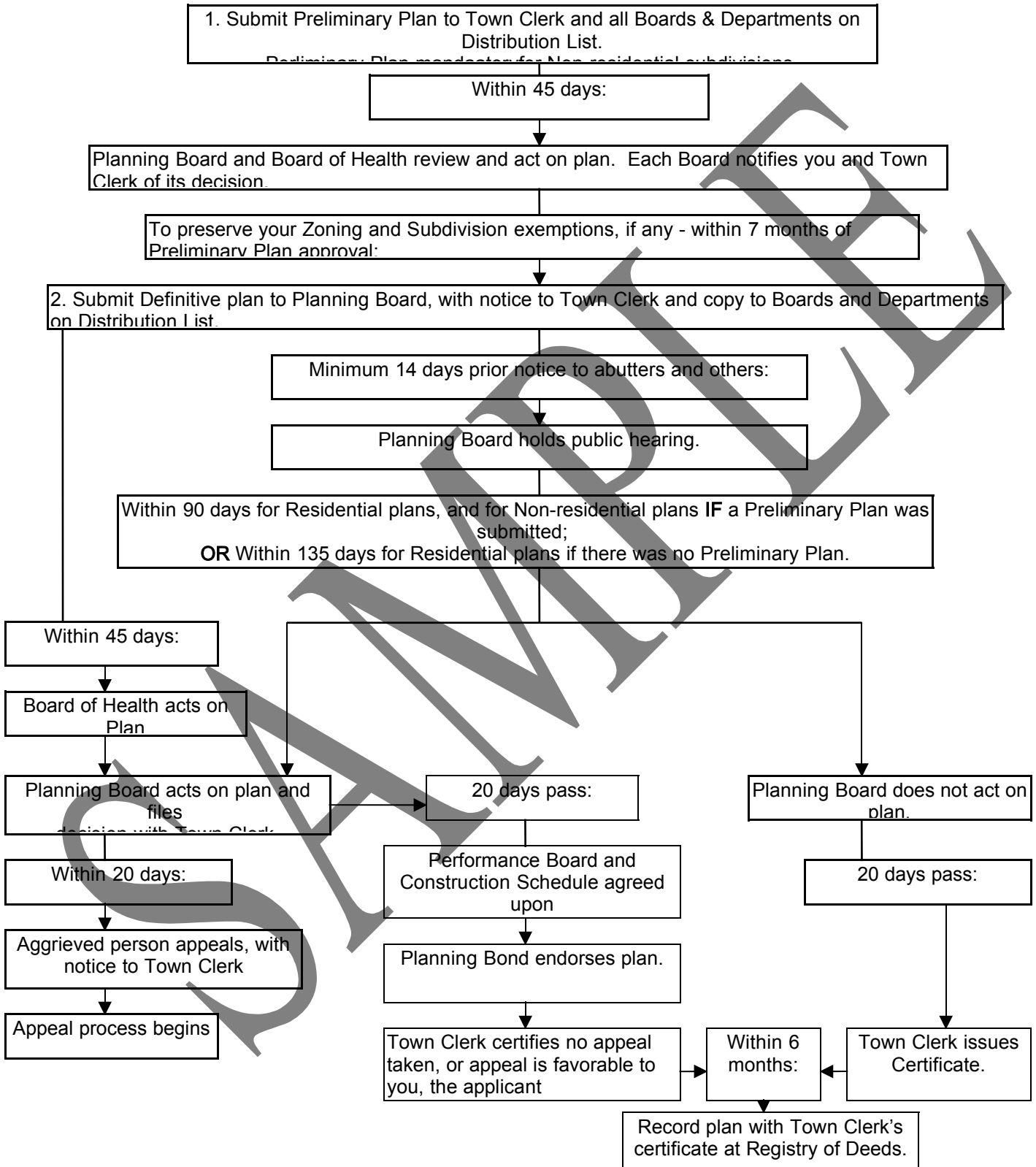
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## TOWN OF SAMPLE PROJECT REVIEW AND APPROVAL PROCESS





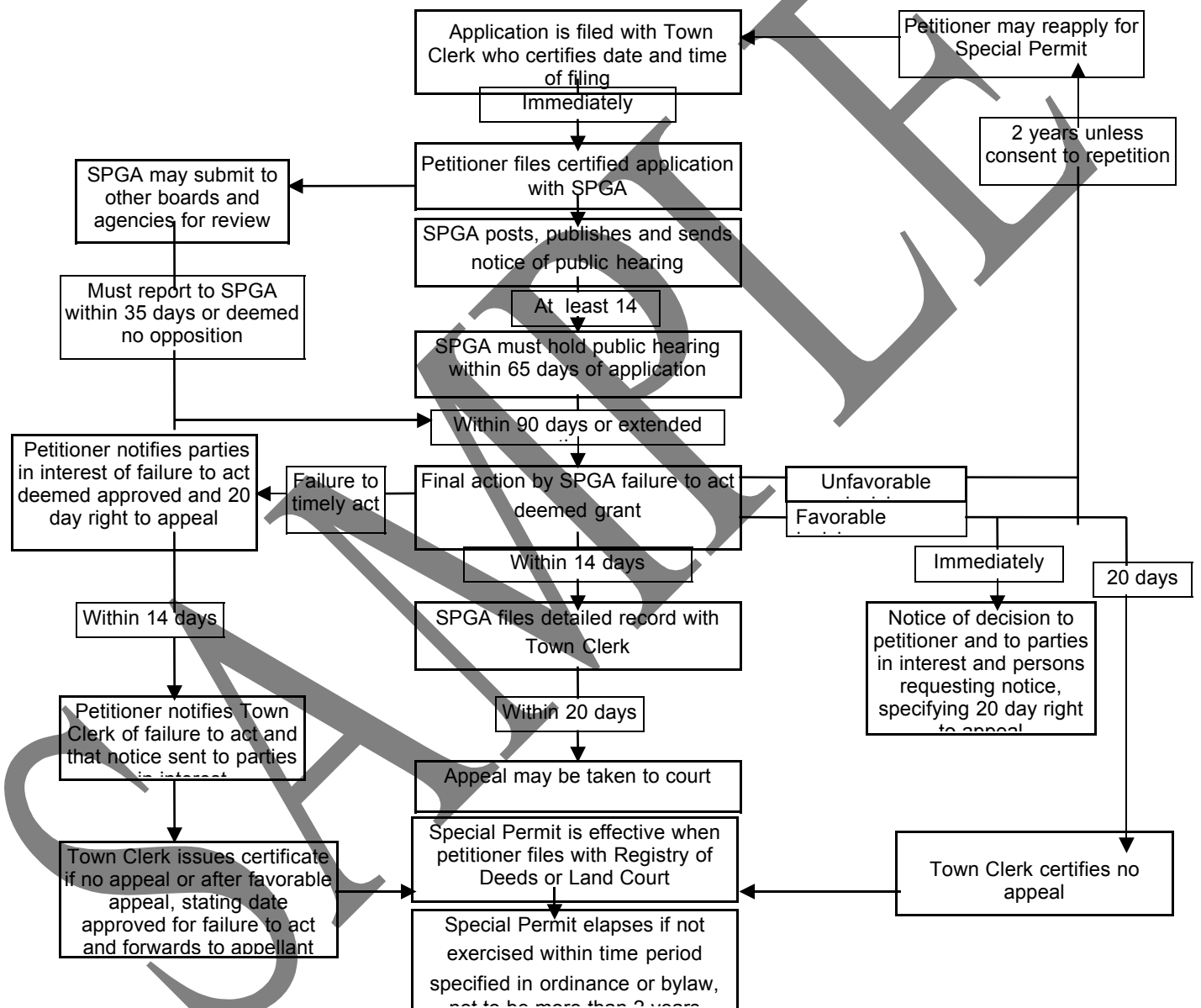
**TOWN OF SAMPLE  
SUBDIVISION APPROVAL PROCESS  
(Consult G.L. Chapter 41 for complete and binding text.)**



## TOWN OF SAMPLE SPECIAL PERMIT PROCESS

Special Permit Granting Authority (SPGA) may be Board of Appeals or Planning Board. Certain classes of Special Permits may be issued by one of the parties and other classes by another. (Consult G.L. Chapter 40A for complete and binding text.)

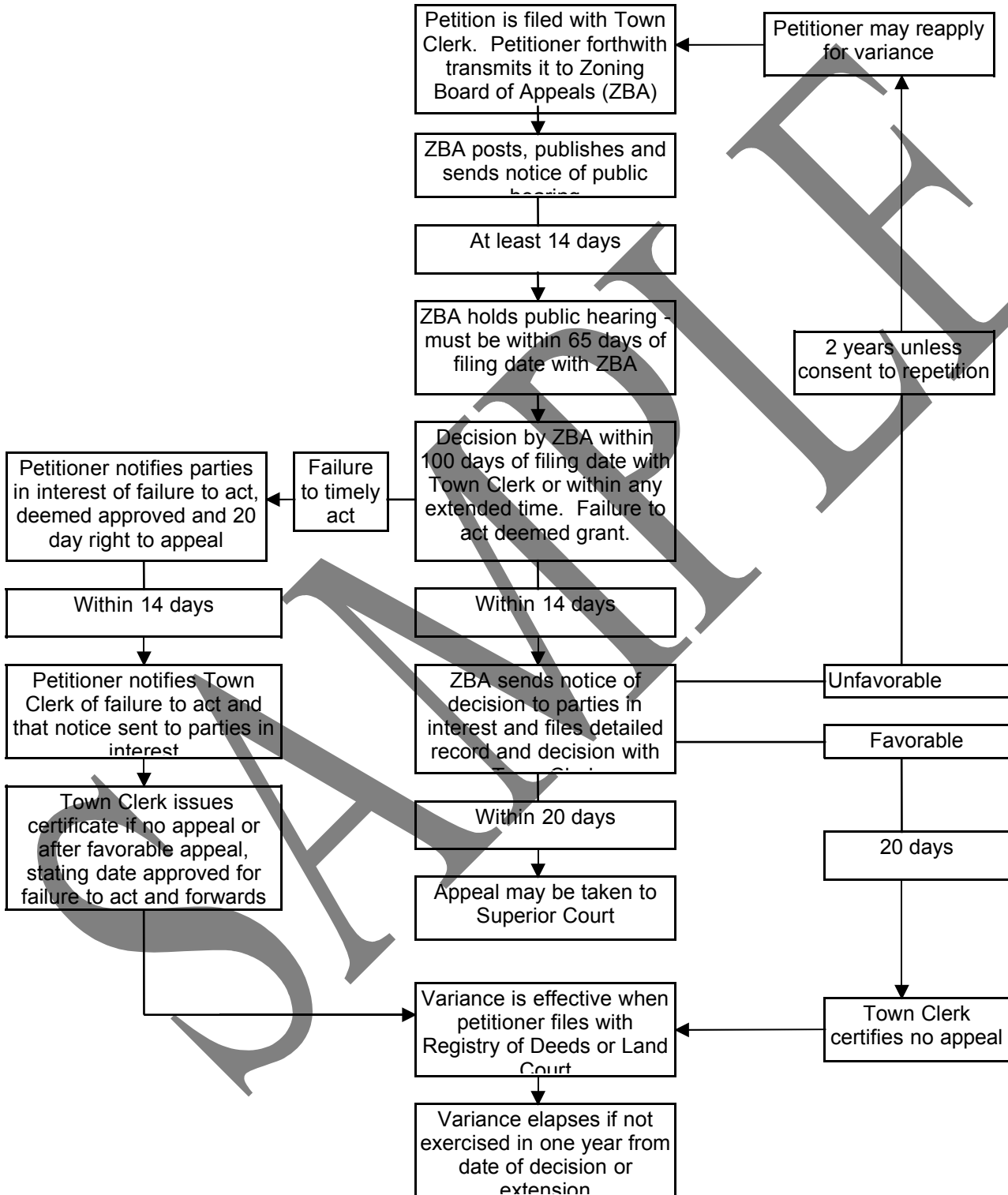
Planning Board or Board of Appeals is acting as Special Permit Granting Authority



## TOWN OF SAMPLE VARIANCE PROCESS

(Consult G.L. Chapter 40A for complete and binding text.)

Board of Appeals is acting as Permit Granting Authority



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

The following list was adapted from the North Andover 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 is required to file a Notice of Intent and pollution abatement plan with the Environmental Protection Agency.

### State 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 Town 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

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by the project are hazardous, depending on the types of quantities generated; contact the Sample Fire Department for information.

8. **Massachusetts Historical Commission Approval** must be obtained if a designated historical or archeological landmark will be altered or effected 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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