



Town of Groveland Development Permitting Guide

Prepared for the Town of Groveland, Massachusetts by the
Merrimack Valley Planning Commission

Disclaimer: The Town of Groveland reserves the right to amend, modify or otherwise change the information contained in this Guide. This document is a guide only. Information contained herewith may have changed since first published.



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I. THE PEOPLE

TOWN OFFICES AND DEPARTMENTS

The herein listed Town Boards and their associated Town offices or departments – Building, Conservation, Health, Planning, Highway Department, Town Clerk, Board of Selectmen, Water & Sewer Department, and the Zoning Board of Appeals – are all within the Town Hall currently located at 183 Main Street in Groveland.

There are several other town departments that are not located at Town Hall at 183 Main Street with which you and your project may have contact:

The Police Department is located at the Public Safety Building at 181 Main Street. The Police Department offers many on-line forms for permits that are UNRELATED to the real estate development permitting process.

The Fire Department, also located at the Public Safety Building at 181 Main Street for plan reviews and public safety requirements or recommendations from the Fire Chief or his designee. You may also find other permits, such as burning permits on-line.

GROVELAND MUNICIPAL DEPARTMENTS

Title	Phone Number
<u>Building Inspector/Inspectional Services</u>	
Building Inspector	978-556-7209
Plumbing/Gas Inspector	978-372-1575
Wire Inspector	978-372-9721
<u>Board of Assessors</u>	978-556-721

Board of Health

Administrative Assistant 978-556-7210

Health Agent 978-556-7218

Board of Selectmen 978-556-7207

Conservation Commission 978-891-5361

Electric Department 978-372-1671

Fire Department 978-374-1922

Highway Department 978-556-7208

Planning Board 978-994-1169

Police Department 978-521-1212

Town Clerk 978-556-7221

Water and Sewer Department

Water/Sewer Supt. 978-556-7219

Office Manager 978-556-7220

REGULATORY BOARDS

Planning Board

Conservation Commission

Board of Health

Zoning Board of Appeals

Licensing Commission [Board of Selectmen act as Licensing Commission]

II: INTRODUCTION TO BOARDS AND DEPARTMENTS

Almost any development project you may have in mind will require some type of permit from the Town. The larger and more complicated your project, the more permits it will likely require.

And the more familiar you are with these permits and their related requirements at the beginning of your project, the more you will minimize the likelihood of unpleasant surprises after you begin building.

There is nothing that will make your project go easier, improve your chances that your project design will be accepted, or reduce the possibility that you will have to make expensive project modifications after you begin, **than knowing the Town's requirements for your kind of project.**

The best place to begin is to visit the Building Department currently located at 183 Main Street. Visiting the building department and obtaining a Building Permit Pre-Permit Sign Off Form will guarantee that the appropriate department heads will review your proposed project and you will get feedback as to what type of permits in that Division you will be required to obtain.

But remember – it is your project, and you, not the town staff, who is solely responsible for ensuring that it meets all Town requirements. The Town Staff will not do your work for you, but can make your work with the Town more efficient and productive. The department heads at Town Hall will inform you what local permits your project is likely to require, what applications need to be submitted, what information and plans you will need to complete the applications, how many copies will be required, and who you may wish or need to see.

Your proposed project may require more than one review, and by different Town Boards. The boards most associated with development project reviews are the **Planning Board, Conservation Commission, Zoning Board of Appeals and Board of Health.** The Conservation Commission has the Administrative Consultant, the Zoning Board of Appeals has the Building Inspector; and the Board of Health has the Health Agent. If your proposed project is large and complex, it will be to

your advantage to meet with town staff for a preliminary review of your project concept and ideas before the formal review by the Town Boards.

Additionally, many large projects will require a review by the Fire Department, Police Department and/or Highway Department to ensure that public safety standards are met. Change of businesses, common victualler licenses, and other items will need to get approvals as well.

THE DEVELOPMENT REVIEW TEAM MEETINGS

Meeting Schedule: As Needed

The Development Review Team, or DRT, was created to help streamline the application and review process by performing a preliminary staff review of proposed projects to be reviewed by the various boards and committees. The Building Inspector acts as a coordinator for projects reviewed by the DRT, and is the contact person who will schedule your DRT. The DRT is comprised of the Building Inspector, Road Commissioner, the Water/Sewer Superintendent, the Fire Chief, Conservation Commission Agent, Planning Board Chair, Zoning Board of Appeals Chair [as applicable], and Municipal Electric Light Manager.

The purpose of the DRT is to expedite the development project review process i.e. the Town's process of reviewing proposed development projects in Groveland by:

- a. helping development permit applicants identify the Bylaws, requirements, rules and regulations with which they are expected to comply and;
- b. assisting the Groveland regulatory boards in the review of proposed projects by identifying pertinent issues with projects with which the town may have concerns.

Thus, the Development Review Team will:

1. meet with prospective permit applicants to share information;
2. listen to the prospective applicant's proposed ideas for

development;

3. inform the applicant of the Town's bylaws, requirements, and rules and regulations with which the applicant and the proposed project must be aware. While the DRT may help the applicant identify all the applicable laws and regulations, the responsibility for knowing and complying resides solely and unequivocally with the applicant;

4. coordinate their concerns and departmental responsibilities among themselves so as not to communicate conflicting requirements to permit applicants and;

5. facilitate communication among town departments and professional staff who regulate and permit land use.

After project review, the DRT will advise the applicant as to where the appropriate process should begin [i.e. which local regulatory board should first review the proposed project]. The DRT also creates meeting reports for the prospective applicants and for the Groveland regulatory boards regarding the substantive issues discussed, concerns raised, recommendations made or problem resolutions offered. Unanswered questions and unresolved issues between town staff and permit applicants are noted both for applicants and the boards.

THE PLANNING BOARD:

Meeting Schedule: 1st and 3rd Tuesdays of the month at 7:30 p.m. in the Town Hall Building.

The Groveland Planning Board generally reviews 5 different types of permit applications: residential, business/commercial and industrial projects. Decisions must be recorded in the Registry of Deeds or the Land Court.

Approval Not Required [ANR] Application: These involve the subdivision of an existing property on an established roadway, creating a lot with the required frontage and size meeting zoning requirements as a buildable lot.

Subdivision of Land: The creation of new lots by subdividing property, which also requires the construction of a new roadway to provide access to the new lots.

Site Plan Approval: The review of plans for a specific site, usually business/commercial or industrial development projects required by the zoning bylaw.

Stormwater Management and Land Disturbance Permit: The review of plans for construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than 20,000 square feet of land or will disturb less than 20,000 square feet of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than 20,000 square feet of land area.

Special Permit: The Planning Board is the Special Permit Granting authority for various types of projects such as Conservation Subdivision Design, Planned Unit Developments, Affordable Housing , Wireless Communication Facilities [site plan review], and Aquifer Protection Districts.

You can find copies of the Zoning Bylaws, Subdivision Regulations, and Special Permit Regulations for those projects/activities for which the Planning Board is the Special Permit Granting Authority, and some Planning Board permit applications on-line. Copies of the Subdivision Regulations are also available for purchase in the Town Clerks office at Town Hall.

Additionally, many large projects may require review by the Fire, Police, Water and Sewer and Highway Department to ensure that other public safety requirements are met.

CONSERVATION COMMISSION

Meeting Schedule: Conservation Commission meetings for scheduled hearings are held monthly on the second Wednesday at either the Town Hall Meeting Room at 183 Main Street OR at Veasey Park, 201 Washington Street, Groveland, MA.

The Conservation Commission administers the Massachusetts Wetlands Protection Act [MGL Chapter 131, Section 40] and Groveland's Wetland Protection Bylaw.

Any construction or alteration of land e.g. any temporary or permanent structures, additions, driveways, filling, grading, etc. within 100 feet of any

wetland or 200' of any river or stream will require a permit from the Conservation Commission. The Conservation Department Administrative Consultant can tell you if your project will fall within the Conservation Commission's jurisdiction; don't trust your own judgment. Massachusetts defines wetlands by hydrology, soil conditions and by vegetation; you cannot assume that wetlands are not present simply because there is no standing water on your land!

The Conservation Department Administrative Consultant can provide you with written instructions and forms for filing a Request for Determination of Applicability [i.e. whether the wetlands protection regulations will apply to your proposed project] or a Notice of Intent to perform work affecting wetlands, and can arrange an appointment with the Conservation Agent for you.

Additionally, Conservation Commissioners are available for wetland and filing information and advice on MONDAY evenings from 7:00-8:00 pm.

Permit applications, regulations and bylaws can be found on-line.

BOARD OF HEALTH

Meeting Schedule: Second Tuesday of the month, or as needed

The Groveland Board of Health enforces state and local environmental and health codes [Chapter 105 of the Code of Massachusetts]. Among the many permits and licenses it issues are those for soil testing, septic system installations, septic system installers and septic system pumpers, septic system repairs, private well installations, tobacco sales, food and frozen dessert establishments, mobile food and ice cream vendors, semi-public and public swimming pools and spas, trash disposal and recycling, and recreational camps for children. In addition, the Board of Health is involved in Emergency Preparedness, they address housing code violation complaints, and they have regulations for the stabling of livestock.

The Board of Health Assistant can provide you with license or permit applications and applicable town fees. The Assistant can also arrange an appointment for you with the Town's Board of Health Agent for soil testing

and septic system inspections or with the Board of Health for projects and issues that require the Board's approval. Some of these permits and regulations can be found on-line.

ZONING BOARD OF APPEALS

Meeting Schedule: Wednesdays, As Needed. – Groveland Town Hall

If a building permit has been denied by the Building Inspector based on zoning considerations, you may have recourse through the Zoning Board of Appeals, or ZBA. The ZBA will consider the reasons why the permit was denied, consider if any conditions imposed by Town Boards have been subsequently met, and will hold a public hearing. Based on these regulations, any new information presented, and information gathered from the public hearing, the ZBA will render its decision.

In addition, the ZBA is the permit granting authority for all Accessory Apartments, Business District uses, Limited Business District uses, Industrial District uses, and buildings within the Floodplain District pursuant to the Zoning Bylaw.

Finally, the Zoning Board of Appeals can issue findings/determinations as to whether your proposed use or activity conforms to the intent of the Zoning Bylaw; and also can issue a variance to any of the dimensional requirements of the Zoning Bylaw, based on certain state-mandated criteria.

You can find a Zoning Board of Appeals Application and Zoning Board of Appeal meeting minutes online.

BOARD OF SELECTMEN / LICENSING COMMISSION

Meeting Schedule: Bi-weekly on Monday evenings - Selectmen meetings at 6:30 pm unless otherwise noted.

Groveland's Board of Selectmen act as the town's Licensing Commission for issuing licenses to businesses serving the public. The Selectmen are the statutory licensing agents for the town, and in this capacity they authorize

new licenses, hold hearings to consider infractions of existing licensees, and approve renewals. Such licenses include Common Victualler's, and Club licenses for establishments that serve liquor, town property use permits, package store licenses for stores selling liquor, peddlers and hawkers of fruits and vegetables, junk collectors, and soliciting/canvassing licenses, among others. They also supervise and approve all earth removal permits issued within the Town.

The Board of Selectmen Administrative Assistant, or the Finance/Personnel Director, acts as the licensing coordinator for the Board of Selectmen, and can arrange for any meeting or public hearing that may be required. The license applications can be obtained from the Board of Selectmen or Personnel Office.

WATER AND SEWER DEPARTMENT:

Meeting Schedule: Monday Nights Set by Chairman, Check Posting on Town Website

The Department is governed by a Board of three Commissioners. The Superintendent enforces all local and state regulations that apply to the Department. Permitting includes - New Water and Sewer Services, Water Meter Installation and Reading and Property Transfer, Fire Hydrant Flow Testing and Temporary Service Connection, Cross Connection Inspection and Testing, and Drain Layer Licensing.

The Office Manager can provide you with written instructions, forms and applications for obtaining all permits listed above. The Office Manager can also arrange an appointment with either the Superintendent or Commission to determine whether your project will require Department permits or approvals and explain procedures for obtaining these permits.

Permits, Regulations, Meeting minutes and agendas of the Water/Sewer Commission, as well as applications for sewer permits can be found on-line at the town's water department website.

HIGHWAY DEPARTMENT:

This department answers inquiries for street construction and maintenance issues. It issues street opening and trench permits as well. You may find a copy of the street opening and trench permit on the town website.

TOWN CLERK'S OFFICE:

The Town Clerk's office serves as the general informative department for the town hall. The Town Clerk's Office is the official keeper of town records. This includes the vital records of births, deaths, and marriages of the town's residents. All town meeting minutes are recorded and on file with this office. All town, state, and federal elections are conducted and recorded with this office. The Town Clerk's office issues certified copies of birth, death and marriage certificates, along with business certificates. Applicants for development related projects are also required to file their Planning Board, Zoning Board and Conservation Commission decisions with the town clerk prior to recording them with the Registry of Deeds. The Town Clerk's Office is the location for citizens would file citizen's petitions to amend the zoning bylaw or the zoning map, as well as other petitions to amend the general charters, etc. You may find requests for some of these licenses and certificates on-line at the town website. The following is a brief overview of the most relevant business related licenses and documents available through the Town Clerk's Office:

- Business Certificates: A person conducting business under any title other than his/her real name must file for a Business Certificate [a business certificate is only permission to run the business under the name filed, not permission to run the business itself – other permits may be required]. A business owner will not be able to establish a business checking account without a Business Certificate.
- Copies of Birth, Death and Marriage Certificates
- Certified Copies for Planning Board, Board of Appeals and Conservation Commission
- Dog Licenses
- Fishing, Hunting, Sporting Licenses
- Marriage Application and License

- Uniform Commercial Code – Filings, Copies and Certified Copies
- Voting Registration
- Yard Sales

III. THE PERMITS

Introduction

There are many permits, licenses and approvals that must be issued by the Town; **only the most common ones related to development projects are summarized here.** Only YOUR research, meetings and discussions with the applicable Town Staff outlined in this guide will identify all the permits you and your project are likely to need before it can be constructed.

Groveland is divided into:

- 1. Residential Districts:** Residence District A, Residence District B, and Residential District C
- 2. Business Districts:** Business District B and Limited Business District
- 3. Industrial District:** Industrial District C

There are also TWO overlay districts: The Aquifer Protection District, and the Floodplain District.

As you can surmise, it can be confusing to decipher the process and timelines of the permit process in various zoning districts so always seek advice. Of note:

- Your proposed project will be in one, or possibly more, of Groveland's zoning districts. The uses permitted within each district are listed in each applicable District of the Zoning Bylaw.
- Some land uses in a zoning district are permitted as a landowner's right while others may require a Special Permit from the Special Permit Granting Authority [SPGA] named for that use. If the Zoning Bylaw says that your proposed use is allowed by Special Permit, then you must obtain that Special Permit from the SPGA as defined in the Zoning Bylaw before you can proceed.
- If your proposed use is allowed unconditionally within the district, then you may apply for the necessary permits you will need to construct your project, complying with the general zoning regulations regarding signs, non-conforming uses, off-street parking, accessory buildings, home occupations, etc. detailed in the Zoning Bylaw. Dimensional requirements for permitted uses

with respect to minimum lot area, building height, setbacks from lot lines, floor area ratios and maximum lot coverage, and minimum lot width as well as contiguous buildable area, can be found in each individual district's dimensional regulations. Please note that you must read through each District's respective regulations individually to ensure you meet all requirements for each District.

One of the most commonly asked questions of the Building/Zoning Department is "What are my setback requirements?". For your convenience, we have summarized them in the table below:

District	Use	Minimum Lot Area	Lot Frontage	Minimum Setback			Maximum Bldg. Height	Maximum Contiguous Buildable Area
				Side	Front	Rear		
RA	Single Family	43,560	150	15	30	15	35	60/50 *
RA	Two-Family/ Duplex	60,000	200	15	30	15	35	60/50*
RB	Single Family	30,000	150	15	30	15	35	60/50*
RB	Two-Family /Duplex	40,000	200	15	30	15	35	60/50*
RC	Single Family	20,000	100	10	30	10	35	75
RC	Two-Family /Duplex	27,000	130	10	30	10	35	75
B	Any permitted use	<u>Dwelling</u> – No less area than required for the least restricted residential district adjacent thereto. <u>Building</u> – No less area as required in nearest RB or RC District	<u>Dwelling</u> - No less frontage than required for the least restricted residential district adjacent thereto. <u>Building</u> – No less frontage as required in the nearest RB or RC District.	15	20	15	35	60/50*
LB	Any permitted use	<u>Dwelling</u> - No less area as required in least restricted residential district adjacent thereto.	<u>Dwelling</u> - No less frontage as required in least restricted residential district adjacent thereto. <u>Building</u> – No less frontage as required in nearest RB or RC Residential District.	10	20	30	35	60/50*

		Building – No less area as required in nearest RB or RC Residential District				
C	Any permitted use			25 25** 30	35	60/50*

*60% of not serviced with Town Water; 50% if serviced with Town water.

**15' of a side lot line on lot with 150 feet of frontage or more; 10' on a lot with less than 150' of frontage and in existence of the time this bylaw passed.

Take heed that the special permit is NOT a matter of landowner right, and is NOT automatic; it is DISCRETIONARY. The SPGA can and will consider such things as consistency with the Master Plan, congruity with surrounding uses, neighbor and neighborhood acceptance, and other site or neighborhood-specific issues, and it may require measures to mitigate the expected impact of your intended land use upon the surrounding neighborhood, if it decides to grant the special permit at all.

Still following along so far??? Good! Then here is a summary of some permits and approvals you may need:

VARIANCES TO THE ZONING BYLAW

The Zoning Board of Appeals, or ZBA, is empowered to grant variances from the terms and conditions of the Zoning Bylaw under specific circumstances where literal interpretation of the Bylaw would impose a substantial hardship, financial or otherwise, to the petitioner or applicant, but only desirable relief may be granted if:

- when substantial circumstances relating to soil conditions, shape or topography of the land or structures are affected in a special way, but not the zoning district in general AND
- where relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

A public hearing must be held, and the ZBA may impose conditions, safeguards and limitations of time and use, IF it decides to grant the variance. Please note that the ZBA is under no legal obligation to grant the variance **and in absolutely no circumstances can it grant a variance to**

allow a prohibited use within a district unless the bylaw says so.

SUBDIVISION APPROVAL [Groveland Rules and Regulations Governing the Subdivision of Land]

If your project involves subdivision of land into lots and parcels and requires street construction to provide vehicular access to those lots, you must obtain subdivision approval from the Planning Board. You can obtain the most recent set of “Rules and Regulations Governing the Subdivision of Land” from the Building Inspector and Town Clerk’s Office. A public hearing must be held, and the Planning Board may impose conditions and safeguards in their conditional approval.

If you don’t have to build a new street to provide access to your new lots, then you may submit an “approval-not-required” subdivision application, also available from the Building Inspector and Planning Board.

SITE PLAN REVIEW

Site Plan Review is required with the following types of construction:

- All proposed retail, service, commercial, wholesale, transportation and industrial developments, redevelopments or expansions is required prior to the issuance of any building permit in connection with such development, redevelopment or expansion. Likewise, prior to the issuance of a certificate of occupancy, all conditions of said site plan approval must be met.

Site Plan Reviews are undertaken by the Planning Board. If and when approved by the Planning Board, the Site Plan becomes the official development plan for the site, and is legally binding.

AQUIFER PROTECTION DISTRICT SPECIAL PERMIT

The Aquifer Protection District is an overlay district that includes the Town of Groveland well fields and surrounding drainage basins. If your proposed

development lies within this District that overlays the basic zoning map of the Town, then the regulations for this overlay district, which are more restrictive than those of the underlying district, take precedence. The Planning Board is the Special Permit Granting Authority and will review, with input from the Conservation Commission, any projects that fall within this district.

FLOODPLAIN PROTECTION DISTRICT

If your proposed project is within the overlay Floodplain District, defined on Groveland's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps on file with the Assessor and Town Clerk, then your project must comply with all Massachusetts State Building Code requirements dealing with construction in floodplains. The Zoning Board of Appeals is the special permit granting authority and no new building shall be erected or constructed and no existing structure shall be altered, enlarged or moved without first obtaining a special permit from the ZBA. A special permit is not issued for encroachments [including fill and improvements to existing structures] into the defined floodway unless certified by a registered professional engineer that the encroachment will not increase the flood levels if a 100-year flood occurs. Structures located in or alterations to the flood channel or watercourse, as well structures used for human occupancy are prohibited in the floodplain district.

BOARD OF HEALTH PERMITS [Chapter 105 of the Code of Massachusetts regulations, and other regulations as applicable]

Septic System: If the land you are developing is not serviced by municipal sewer and/or water services the Health Inspector can explain the procedures for obtaining permits for on-site sanity disposal systems and on-site domestic wells. If the property requires the use of a septic system, it will be necessary to have soil evaluations and percolation tests performed to determine if the property meets the state sanitary code [Title V] requirements. These tests will determine the seasonal maximum groundwater elevation and provide a rate at which the soil drains. This testing must be performed by a Massachusetts Department of

Environmental Protection registered soil evaluator and witnessed by a Health Department staff or consultants. If the testing reveals that the site is feasible for placement of a septic system, the test results shall be used as a basis for preparing a design plan.

The design must be prepared by a Registered Sanitarian or a Professional Engineer as allowed in the MA Title V and the Groveland Regulations regarding Subsurface Disposal Systems. Typically, the design plan will incorporate building location, grading, parking, access roads, drainage and sources of water [well location or water service connection]. Once submitted, the plans are reviewed by the Health Agent for compliance. When the review has been completed and final approval has been given in writing, the septic system must be installed by a Groveland licensed septic installer and must be inspected by the Health Department Staff and the Designer prior to back filling. The Designer will prepare and sign a Title V "Certificate of Compliance" that will be signed by the Health Agent and the Installer. The Designer shall prepare an "As-Built" plan that will illustrate the exact location of the system after installation. The plan will be retained in the Board of Health files for future reference. The Designer and the Installer will also sign an installation certification form provided by the Town. Once all requirements are met, the Health Agent will sign a Title V "Certificate of Compliance", which will be issued to the homeowner.

Well Permits: You will need to obtain a well permit if municipal water is not available. A plan showing the location of the well and any septic systems within the area will be needed for review. Since proof of potable water is required prior to issuance of a building permit, water quality and quantity testing is also required. Water quality testing data sheets generated by a Massachusetts Department of Environmental Protection approved laboratory are required for review. Please contact the Health Department for current requirements and policies regarding well drilling.

Food Service/Retail Food Establishment: If you are opening a restaurant or food service/retail food establishment the Health Inspector will need to issue a Food Service Permit. Prior to opening a restaurant or retail food service establishment, a new establishment packet must be completed and submitted to the Health Inspector for approval. Interior plans are required prior to issuance of a building permit. When an application has been reviewed, a written approval or disapproval will be sent to the applicant as

soon as possible. Prior to opening, Health Department staff will inspect the premises for adherence to the approved plan and then a second inspection 48 hours prior to the planned opening. No food may be sold without first obtaining the permit. The Health Inspector, or representative thereof, will inspect your restaurant at least two times a year. Please be aware of the new requirement that each restaurant, food service/retail food establishment must have a Certified Food Protection Manager on staff at all times to comply with local and state regulations. In addition, food establishments with 20 plus seating's are required to post food allergy awareness signage or post on menus and employees need to be certified by taking a test on-line at the Department of Public Health (DPH) website. Employees are also required to obtain a Chocking certificate.

CONSERVATION COMMISSION PERMITS [MGL Chapter 131, Section 40]

The Conservation Commission issues 2 kinds of permits. The first, a "Determination of Applicability", is a response to a "Request for Determination of Applicability". The Request application form is available from the Conservation Commission Department on the town conservation department webpage.

The Town of Groveland Conservation Department also has a Step by Step Guide for applicants on their website – all of these documents can be found on-line at the town website.

Once you have completed this application form, the Conservation Commission will act on your project at its next meeting. You should attend this meeting to explain your plans and answer any questions that may arise. The Commission will have Conservation Departmental staff visit the site before making any decision.

If the Commission makes a negative determination, your project is exempt, and no further action is necessary. If the Commission makes a positive determination, you will have to file a Notice of Intent [NOI]. The Commission's Determination of Applicability will state whether the Wetlands Protection Act applies to your project and what minimal conditions will be placed on the proposed work. If more information is required or more than minimal conditions need to be imposed, a "Notice of Intent" will be required from you.

The NOI is used for any project either in or very close to a wetland boundary, and for large and complex projects that require extensive soil disturbances or drainage discharges. If your project will disturb less than 1,000 square feet of area within the wetland buffer zone only, then you may request and file an abbreviated NOI rather than a full NOI. You are likely to need professional services such as surveying, drafting, engineering or a wetland scientist to complete the NOI application form.

In response to the NOI, the Conservation Commission issues an “Order of Conditions” permit, which specifies how the proposed work is to be accomplished in order to protect the affected wetlands. The Conservation Commission will also require a performance Bond if it grants the Order of Conditions permit, to ensure compliance with the permit conditions. The bond is returned to you, with interest, either incrementally as work proceeds or at the satisfactory completion of the project when you request a “Certificate of Compliance”.

Note that a public hearing must be held on all applications to the Conservation Commission. All public hearings are publicized with a legal notice, and you will be responsible for notifying all your abutters of the hearing.

Instructions for filing a “Request for Determination” or a “Notice of Intent” are available from the Conservation Department, or you can obtain these on-line.

Work within 100 feet of a wetland or within 200’ of a river or stream as defined by the Massachusetts Wetlands Protection Act and the Groveland Wetlands Bylaw is regulated by the Groveland Conservation Commission. Many kinds of development are prohibited in such areas, and those that are allowed will require a permit called an Order of Conditions from the Conservation Commission. The Order of Conditions may specify special construction techniques to allow work to proceed while protecting any nearby wetlands.

SIGN PERMITS

The Groveland Zoning Bylaw regulates the size, location, design and number of signs that may be allowed as part of a project. The Building Inspector is

the Sign Officer for the town and enforces this bylaw. A sign permit can only be issued after an application and when appropriate permits from the building department are obtained – these are available from the Building Department Office.

Special Permits are issued by the Zoning Board of Appeals for signs larger than those permitted by the Zoning Bylaw. These special permits are issued when it can be demonstrated that such signs are essential to the operation of a business or industry, and further that such signs are not detrimental to the surrounding property nor are injurious to the public welfare.

WORK WITHIN PUBLIC WAYS

Any work within a public way owned and maintained by the Town of Groveland , including the installation of driveways or utility lines, requires a permit from the Groveland Highway Department. A street opening/trench permit is required from the Highway Department as well.

EARTH REMOVAL SPECIAL PERMIT [Chapter 5, Article II, Section 5-21 of the General Bylaws]

Any work involving the removal of soil, loam, sand, or gravel or Aggregate from any land NOT in public use must obtain a written special permit issued by the Board of Selectmen. This applies to the removal of material in connection with the future issuance of a building permit or where any amount of material in excess of that required solely for foundations and utility work will be removed concurrent with construction or at a later date from the town.

STATE AND FEDERAL PERMITS

Depending on the size and nature of your proposed project and its suspected environmental impact, you may need one or more permits from the state or federal government. Some of the most common are:

- An application to access state highway permit [commonly referred to as curb-cut permit] from the Massachusetts Highway Department for work that will have vehicular access on a state highway [e.g., Routes 113 or Route 97];
- A permit from the Army Corps of Engineers for work that involves the (a) construction of any structure in, over or under any navigable water of the United States (U.S.), the excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters. The Corps regulates these activities under Section 10 of the Rivers and Harbors Act of 1899. (b) the discharge of dredged or fill material and discharges associated with excavation into waters the U.S. the Corps regulates these activities under Section 404 of the Clean Water Act (CWA); and (c) the transportation of dredged material for the purpose of disposal in the ocean. The Corps regulates these activities under Section 103 of the Marine Protection, Research and Sanctuaries Act.
- A 401 Water Quality Certification is required under the federal Clean Water Act for certain activities impacting 5,000 s.f. of wetlands and/or navigable waterways. The purpose of a state 401 review is to ensure that a project will comply with state water quality standards and other appropriate requirements of state law. A 401 Water Quality Certification is issued by the Bureau of Resource Protection (BRP): Wetlands & Waterways (Division of DEP).
- A Certificate of Compliance from the Massachusetts Executive Office of Energy and Environmental Affairs [MEOEEA] for certain types of projects.
- The Natural Heritage and Endangered Species Program is the regulatory protection of rare species and their habitats as codified under the [Massachusetts Endangered Species Act](#) (MESA) and [Wetlands Protection Act](#) (WPA). In order to protect rare species and their habitats NHESP reviews projects & activities proposed within estimated or priority habitats.

Town staff [the Building Inspector, Conservation Agent, Road Commissioner, Water/Sewer Superintendent] may be able to assist you in determining the need for such federal and state permits and put you in

touch with the appropriate agencies, but cannot help you file your permit applications; it is your responsibility to ensure compliance with any federal and state permit requirements, not the Town's.

BUILDING PERMIT

You must have successfully obtained all other permits from the Town's regulatory boards by the time you get to this permit, the last one you'll need before starting construction of your project. Before issuing a Building Permit, the Building Inspector will check for Zoning Bylaw compliance, and review your building plans for compliance with the Massachusetts building codes, plumbing codes, electrical codes, fire codes and federal and state handicapped access standards, if applicable.

BUILDING PERMIT APPROVAL PROCESS

A Building Pre-Permit Signoff form must be transmitted internally to other required departments prior to the submittal of the Building Permit application. This form will ensure that there are no outstanding problems or concerns about your proposed project so that the Building Department can issue the Building Permit and the following department heads review your permit application:

- Conservation : determines if wetlands or work within 200' of a river or stream are involved or compliance with issued decisions of the Commission.
- Board of Health: approves wells, septic systems, food-related establishments, etc.
- Plumbing and Electrical Inspectors: assures compliance with the respective codes.
- Water & Sewer: assures compliance with applicable respective departmental approvals
- Planning Board: ensures compliance with Planning Board decisions
- Road Commissioner: ensures compliance with regulations regarding new driveways, curb cuts or offloading heavy equipment;
- Zoning Board of Appeals: ensures decisions have been recorded.
- Electric Department: ensures compliance with applicable respective codes

- Fire Department: ensures compliance with applicable respective codes
- Police Chief or Safety Officer, Board of Selectmen: as necessary, depending on the project's complexity.

Once the Building Pre-Permit signoff form has received the necessary verifications, return it to the Building Department for a final check and review by the Building Inspector before issuance of the building permit.

APPEALS PROCESS

If a building permit has been denied to you from the Building Inspector, based on zoning considerations and you disagree with the Building Inspector's reasoning, you then may appeal the decision to the Zoning Board of Appeals. The ZBA will consider why the permit was denied, consider whether you have met or satisfied any conditions or requirements imposed by any Town board(s) and will hold a public hearing. Based upon the regulations, any new information presented, and the comments expressed at the public hearing, the ZBA will render a decision whether to grant or uphold denial of the permit.

OTHER PERMITS AND LICENSES

What if you are not building anything, but want to simply register your dog, or burn leaves, or get married? There are too many permits and licenses issued by various town departments to write a description of each; this guidebook would become too large and cumbersome. If you are not sure a permit or license is required contact the building inspector or town clerk and they can direct you to the appropriate department.

The following is a list of permits and approvals that are issued by the fire and police departments that were not discussed earlier.

FIRE DEPARTMENT

The Fire Department reviews all Subdivision, Site Plans and applications for Special Permits.

The Fire Department also inspects and issues permits for fire alarm and sprinkler systems, smoke and carbon monoxide detector installations, commercial kitchen hood vents and suppression systems, chemical and hazardous material inventories, underground tank installations, flammable storage facilities and tank trucks.

	Groveland Fire Permit Fee/ Schedule	
Permit Type	Law Regulation	FEE/Permit
Oil Burners	1.12.8.2	\$25.00
Install/Remove Fuel Storage Tank--AST	1.12.8.2	\$25.00
Salamander/ Other Flame Producing Device	1.12.8.4 / 1.12.8.1	\$50.00
Combustable Waste/ Dumpster > 6 yds.	1.12.8.5	\$25.00
Forest Products- Mulch > 300 yds.	1.12.8.17	\$100.00
Cutting, Welding / Hot Work	1.12.8.23	\$50.00
Fuel Dispensing	1.12.8.25	\$50.00
Truck Tank Inspections	1.12.8.25 /42.15	\$25.00
UST Install/ Remove	1.12.8.40	\$100.00
LP Gas Tanks = >42 Gal.	1.12.8.43	\$25.00
LP Gas Tanks =>2000 Gal.	1.12.8.50	\$100.00
Other Permits Required by Code Not Listed		\$50.00
Smoke & Carbon Monoxide Det.	MGL 148 Section 26	
Single Family or Single Dwelling Unit		\$25.00
Two Family		\$50.00
Three to Five Units		\$75.00
Plan Review	CMR 527 1-13.1.1	
Non Residential		\$100.00
Residential Multi- Family 3 or More Units		\$100.00
Fire Alarm Systems	NFPA 72	
Residential		
Single Family		\$50.00
Two Family		\$100.00
Three to Five Units		\$150.00

Non-Residential		
New or Major Renovations		\$50.00
Modification of Existing Systems		\$50.00
Fire Sprinkler Systems	NFPA 13	
Residential	NFPA 13D	\$50.00 Per Unit
Multi-Family	NFPA 13R	\$50.00 Per Unit
Non-Residential	NFPA 13	
New or Major Renovations		\$50.00
Modification to Existing		\$50.00
Fire Report Requests		\$5.00

POLICE DEPARTMENT

- License to carry firearms/handguns (Class A, B, and C)
- Police detail for work in public ways

IV. THE PROCESS

Introduction

Before you obtain any development permit application forms to complete and submit to the Town, first determine if your proposed project is an allowed use within the zoning district in which the project is located.

If your proposed use is allowed by Special Permit, then you must obtain that Special Permit from the Special Permit Granting Authority. The process of obtaining a Special Permit, and which ones are authorized by whom, is summarized later in this Section. Do NOT assume you will obtain these permits as a matter of course; it could be a financially disastrous assumption.

THE APPLICATION PROCESS

The application process for most development-related permits required by and from the Town can start at the same place – the Building Department. The Building Inspector can tell you what permits your project may require, what application forms will be needed, and help you understand the process as a whole. You may still need to speak with other Town Staff to assist you with more special aspects of your project, but meeting with the Building Inspector first will make future meetings more productive by helping you prepare for the questions that are likely to be asked of you. The Building Inspector will also refer you to other appropriate town staff.

The Development Review Team Committee

Depending on the size and scale of your project, it may also be to your advantage to have the Building Inspector request to schedule a meeting for you with the DRT.

Please be aware that all town boards are not obligated to follow DRT recommendations, when they feel they have good and sufficient reasons not to do so. **Town staff advise the boards, they do not direct the boards.**

Whether or not the Town's regulatory boards follow or modify the recommendations and agreements you may have reached with the DRT, there still remains good reason to meet with the DRT for a preliminary review of your proposed project before your formal meetings with the Town boards. The Town boards will usually ask for a review of your proposed project [if it is sufficiently large or complex] by Town staff. You can avoid interruptions and delays in the Board review of your project if such staff reviews have already occurred via the DRT.

You are not obliged to follow staff recommendations made at a DRT meeting, unless of course they apply to a potential violation of state or local codes and bylaws by your project. You may wait and see what the regulatory board(s) say about your project proposal, before you make any changes.

REVIEW PROCESS

Subdivision Approval Process

If your proposed project involves the subdivision of land, you must abide by the Town's "Rules and Regulations Governing the Subdivision of Land". The regulations can be obtained and purchased from the Town Hall, and can also be found on the Town's website.

Site Plan Approval Process

Recall from the Permits Section that virtually all new business or commercial development or redevelopment must undergo this process. Generally, a site plan will be approved if it satisfies the requirements of the Groveland Zoning Bylaw and the development requirements of the other regulatory Town boards. But this is by no means assured. Your site plan must meet the regulations of the Site Plan Approval Process.

A Site Plan is one of the most discretionary types of permits that can be issued by the Planning Board, and can be denied, if in the Board's judgment, the plan does not provide for:

1. Protection of adjoining premises against detrimental uses by provisions for surface water drainage, sound and sight buffers and preservation of views, light and air;
2. Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and elderly.
3. Adequacy of the arrangement of parking and loading spaces in relationship to the proposed uses of the premises;
4. Adequacy of the methods of disposal of refuse and waste resulting from the uses permitted on the site;
5. Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area, and;
6. Impact on the Town's resources including the effect on the Town's water supply and distribution system, sewage collection and treatment, fire protection, streets and school systems; and may impose such appropriate conditions, limitations and safeguards as will insure compliance with the terms of approval.

Please note that if the site plan review application is for the construction of any new wireless service facility, the information required must also be submitted in addition to the Site Plan Review criteria in the Zoning Bylaw listed and discussed above.

Since all Site Plan Review applications are reviewed by the Planning Board, a public hearing is required, and the Board can consider the comments received from your neighbors about your proposal

If the neighborhood is not in favor of your project....well, it just makes good sense not to get too far ahead in your plans before obtaining your Site Plan Approval.

The site plan itself must be prepared, signed and stamped by a certified architect, landscape architect and/or a civil engineer registered in the Commonwealth of Massachusetts.

The Planning Board must either approve, conditionally approve, or deny approval of the site plan. A site plan approved by the Planning Board becomes the official development plan for the site, and other Town permits

[such as building permits] are issued or denied on the basis of your compliance with your approved site plan, which is legally binding.

SUMMARY

A summary flowchart of the project review process and examples of other types of permitting projects, appears in the appendix at the back this document as a GUIDE through the permitting process. It is only a reference, and it is not all-inclusive; for example, your proposed project may be allowed by the Zoning Bylaw, but some topographical aspect of your site may make it necessary that you obtain a variance from the Zoning Board of Appeals before you proceed with permitting and construction. To include all possible permutations of the development process in a single flowchart would make the chart incomprehensible. Use it as a general guide only, and ask questions at Town Offices when you don't understand.

V. SPECIAL PERMIT SUMMARY CHART

The table below summarizes the proper Board with which to file your Special Permit:

Special Permit Type	Planning Board	Board of Appeals	Selectmen
Conservation Subdivision Design	X		
Planned Unit Development	X		
Affordable Housing	X		
Aquifer Protection District	X		
Accessory Apartments		X	
Limited Business District Uses		X	
Alteration, reconstruction, increase or change of a non- conforming use or structure pursuant to Section 106 of the Zoning Bylaw;		X	
Business District Uses		X	
Industrial District Uses		X	
Any Uses denoted as requiring special permits pursuant to the Zoning Bylaw,		X	
Floodplain District		X	
Earth Removal			X
Stormwater	X		

VI. THE PUBLIC HEARING

The public hearing allows local residents, particularly neighbors and abutters, to comment upon your proposed project. The SPGA cannot grant you a Special Permit unless it finds, among other things, that the proposed use will not impair the integrity or character of the district, neighborhood or adjoining districts nor be detrimental to the public health, safety, convenience or welfare. Obviously, the comments and concerns of neighbors and abutters will be a matter of some consequence to you, so don't wait to speak to them until you are required to formally notify them of the public hearing. Let them know about your ideas and include them if you can in your project planning, so you can learn how to address their concerns early in your planning process. The more you are able to arbitrate and rectify your neighbors' concerns, the more likely it is that the SPGA will find in your favor.

Although each of the 3 boards that are designated SPGA's in Groveland operate somewhat differently, the public hearing will generally follow the same outline. After a staff presentation of your proposed project and outstanding issues with which the Town might or should be concerned, you [or your representative] will be asked to briefly state what you have done to address these concerns, and why the special permit should be granted. After your statements, the SPGA members will offer their comments or questions. Then the SPGA Chairman will solicit comments from abutters and other residents present. Anyone may speak in person, or through an agent or attorney, at the hearing. When all persons wishing to speak have done so, the chairman will close the hearing and the SPGA will take the matter under advisement.

Under no circumstances can the SPGA allow new evidence or testimony to be heard after the close of the public hearing, unless the SPGA had previously requested it, so if you have any responses to public comments and concerns about your project you should make them heard before the public hearing is formally closed.

The SPGA then has 90 days from the close of the public hearing in which to make its decision regarding your special permit application. If your special permit is granted, then you may proceed with the Building permit process or Site Plan Approval process, as appropriate. You might wish to check

whether the Special Permit process and Site Plan Review process might be held concurrently, to save you some time and expense.

ABUTTER NOTIFICATIONS REQUIRED FOR PUBLIC HEARINGS FROM THE ASSESSORS' OFFICE

Any special permit, or permits listed above that requires a public hearing [as well as other permits listed in this guidebook such as Conservation Commission Permits, Appeals/Variances/Special Permit to the Zoning Board, certain Board of Selectmen permits etc.] must obtain a certified abutters' list from the Assessor's Office.

The definition of an abutter **for Zoning and Planning Board special permits** can be found in Massachusetts General Laws, Chapter 40A, Section 11, as follows: "Parties in interest" shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town. You need to refer to the other departments and their respective statutory references for their abutter notification requirements – there are too many to list all of them here.

The Assessor's Office has parcel maps for the entire Town along with information on each parcel including dimensions and assessed value. You may access these maps on-line at the town's website. This office is where you will obtain your list of abutters if one is required for your project.

If you prepare the list of abutters the Board of Assessors will certify it. The list must contain the full names and mailing addresses for abutters together with map and parcel numbers from the most recent tax list. The fee for certification of abutters is \$25.00. Other resources available in this office include copies of the assessors' maps, lot cards and deeds.

VII. PERMIT EXAMPLES

Example 1: Adding to an Existing Structure

Suppose you want to build an addition to an existing structure. This Guidebook and the flowchart suggest that you start by obtaining a copy of the Zoning Bylaw. The Building Inspector and you might review your proposed project and check it against the Zoning Bylaw to see if all setback requirements for your zoning district are met. If not met, you might consider redesigning the project to satisfy the setback requirements. If redesign isn't feasible because of some aspects of your land, you may want to discuss an application to the Zoning Board of Appeals for a variance.

The Building Inspector will determine if your property is located within the Aquifer Protection District, in which case you will need to go to the Planning Board for a special permit. Assuming your proposed addition both satisfies the setback requirements and is outside the Aquifer Protection District, you would next check to see if your addition will be more than 100 feet from any wetland [we have also assumed there is no subdivision of land involved in your project, and we can skip this step in the flowchart]. If it were less than 100 feet from a wetland, you could either redesign your project to avoid the Conservation Commission, or discuss the project with the Conservation Consultant and submit a Request for Determination of Applicability with the Conservation Commission.

Let's assume that the proposed addition is more than 100 feet from any wetland. Since the addition is for residential purposes and does not involve the construction of proposed retail, service, commercial and industrial uses, we know that Site Plan review won't be involved. So next the Town needs to know if the project will include a septic system, in which case you'll want to talk with the Health Inspector regarding your septic system design and applicable local and state requirements. If no septic system is involved, there is no further Board of Health review or involvement unless the addition is to a restaurant [see Example 2]. If the project involves hookup to the Town's sewer system instead, you would go to the Water and Sewer Department to discuss the hookup requirements. Then you would go to the Building Department with your Pre-permit Sign off form to show your permits and approvals, and apply for your building permit.

Example 2: Building and Opening a Restaurant

Let's pretend you were hoping to open up a new restaurant. The restaurant is proposed to be 4,000 square feet on Route 97. Let's go step by step through the process to see the various steps entailed from construction to obtaining your certificate of occupancy.

Our first stop is at the Building Inspector. They inform us that site plan review will be required because the construction involves a service/restaurant development. However, the project will also require a variance for frontage because our lot does not meet the minimum frontage requirements of the Zoning District. Because the project is within the Aquifer Protection District, and happens to be located within 87' of a wetland, both an Aquifer Protection District Special Permit and a Notice of Intent are required. The Aquifer Protection Special Permit to the Planning Board and variance application with the ZBA can be filed concurrently, as well as the Site Plan Special permit can be filed with the Planning Board concurrently with the Notice of Intent from the Conservation Commission. Please keep in mind, however, that the Planning Board cannot issue a site plan until the variance has been obtained because special permits cannot be issued if a project does not comply with zoning.

Surmising the project was approved by all land use boards mentioned – conservation commission, zoning board of appeals, and the Planning Board – now the new business owner gears towards opening up his restaurant as the construction is almost completed. The Business Owner wishes to serve alcohol at his establishment. As such, a Common Victualler's License is required from the Office where permit applications are received for the Licensing Commission, the Board of Selectmen. The business owner is also required to obtain a Food Service Establishment Permit from the Board of Health, as well as probably a dumpster permit in order that a dumpster be located on site for disposal of daily rubbish.

VIII: TIMELINE FOR PERMIT APPROVAL

Permit	Legal Timeline from Date of Request
Building Permit	30 days
Sign Permit	30 days
Special Permit	65 days to schedule the public hearing; 90 days from the public hearing to make a decision; 20 day appeal period
Site Plan Approval	30 days
Variance	65 days to schedule the public hearing, 100 days from filing with Town Clerk to render a decision; 20 day appeal period
Preliminary Subdivision	45 days from filing application
Definitive Subdivision	90 days from filing application if a preliminary plan was filed and approved; and 120 days if no preliminary plan was submitted; 20 day appeal period
Approval Not Required	21 days from filing application
Determination of Applicability Of Wetlands Protection Act	Action at next Con-com Public Hearing
Notice of Intent	Must be filed within 14 days of ConCom determination and requires a public hearing
Order of Conditions	Issued within 21 days from the close of the public hearing
Certificate of Compliance	Issued when Order of Conditions has been satisfied
Septic System Permit	45 days from filing application; good for three years for new construction and two years for repairs of existing systems.

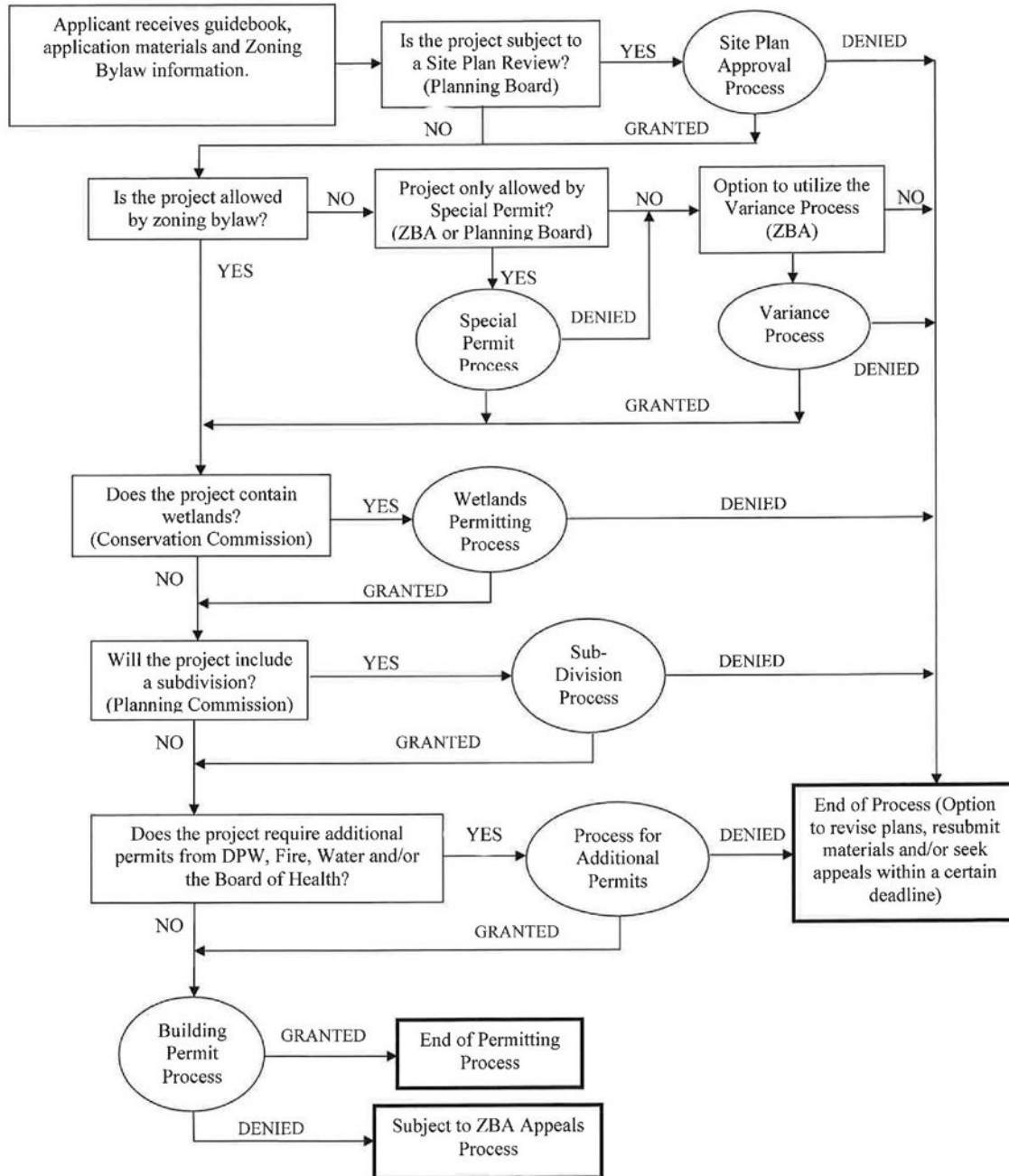
* Extensions may be granted by the Planning Board upon written request from the applicant.

IX. APPENDIX

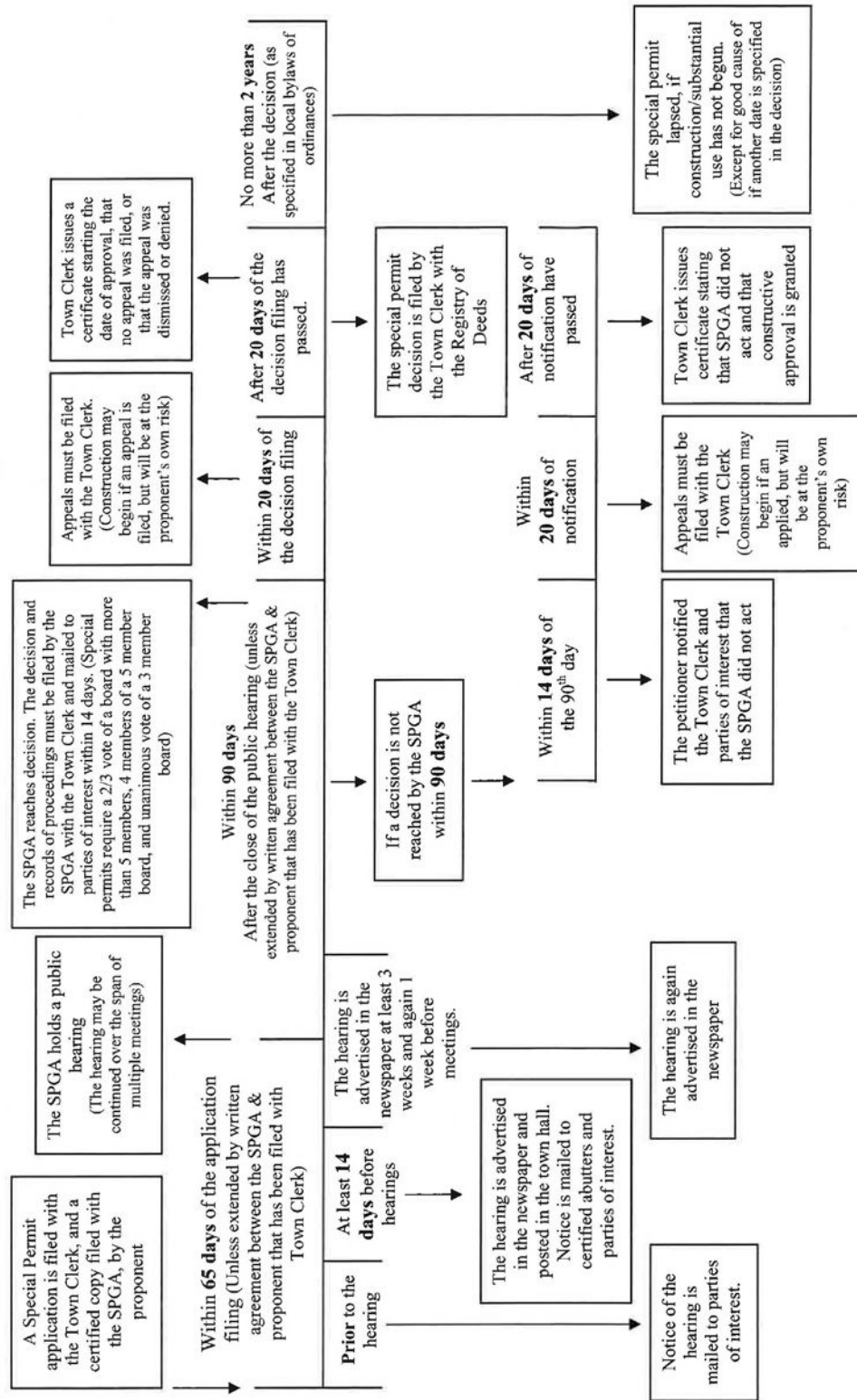
The following pages contain seven flowcharts depicting the permitting process in Groveland. The flowcharts are as follows:

- Project Review and Approval Process
- Special Permit
- Variance Flowchart
- Notice of Intent Wetlands Regulations
- Residential Subdivision (Definitive Plan Process without Preliminary Plan)
- Site Plan Review
- Septic Permitting

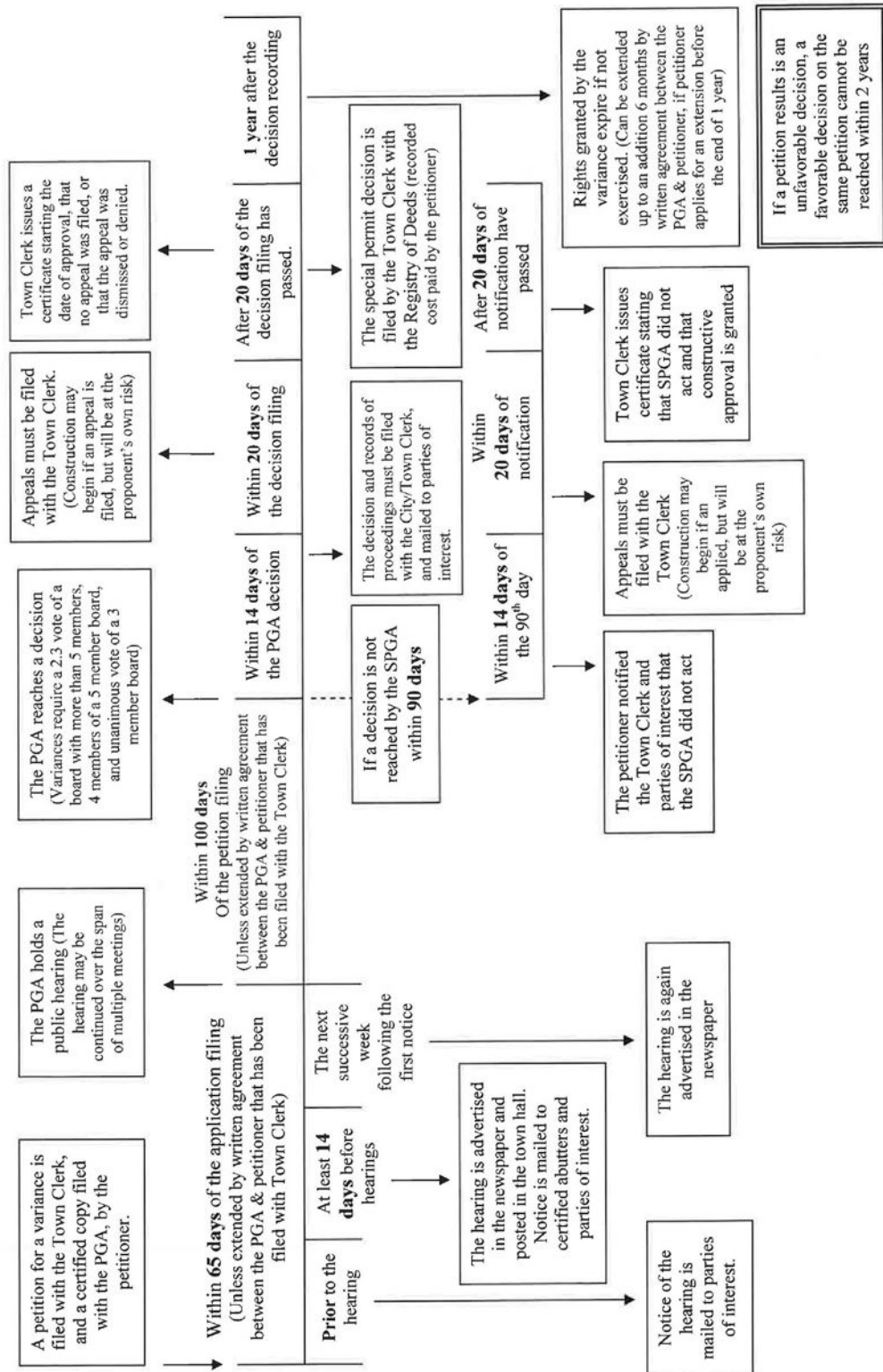
Appendix A. Project Review and Approval Process



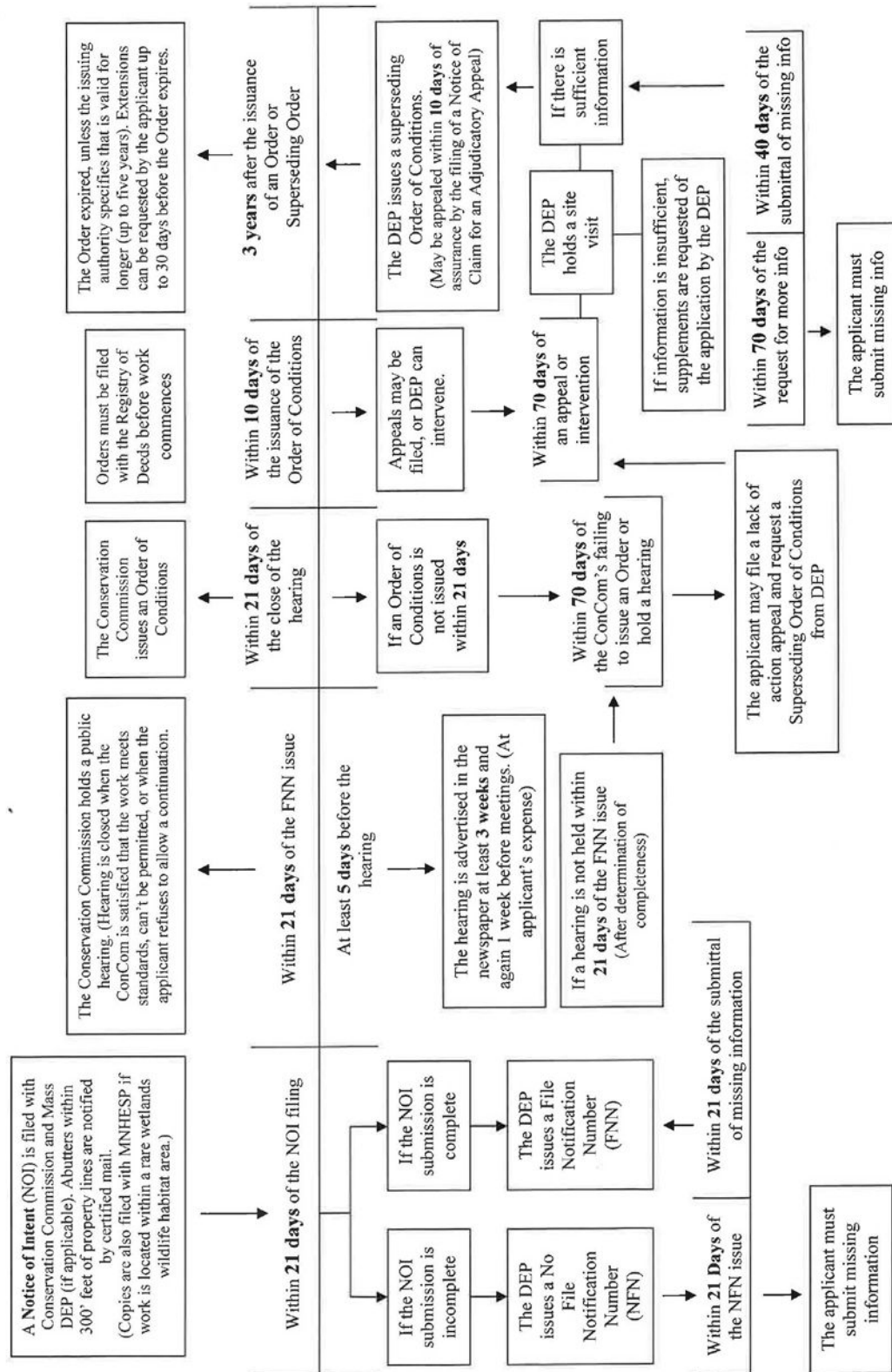
Appendix B: Special Permit – MGL, Ch. 40A



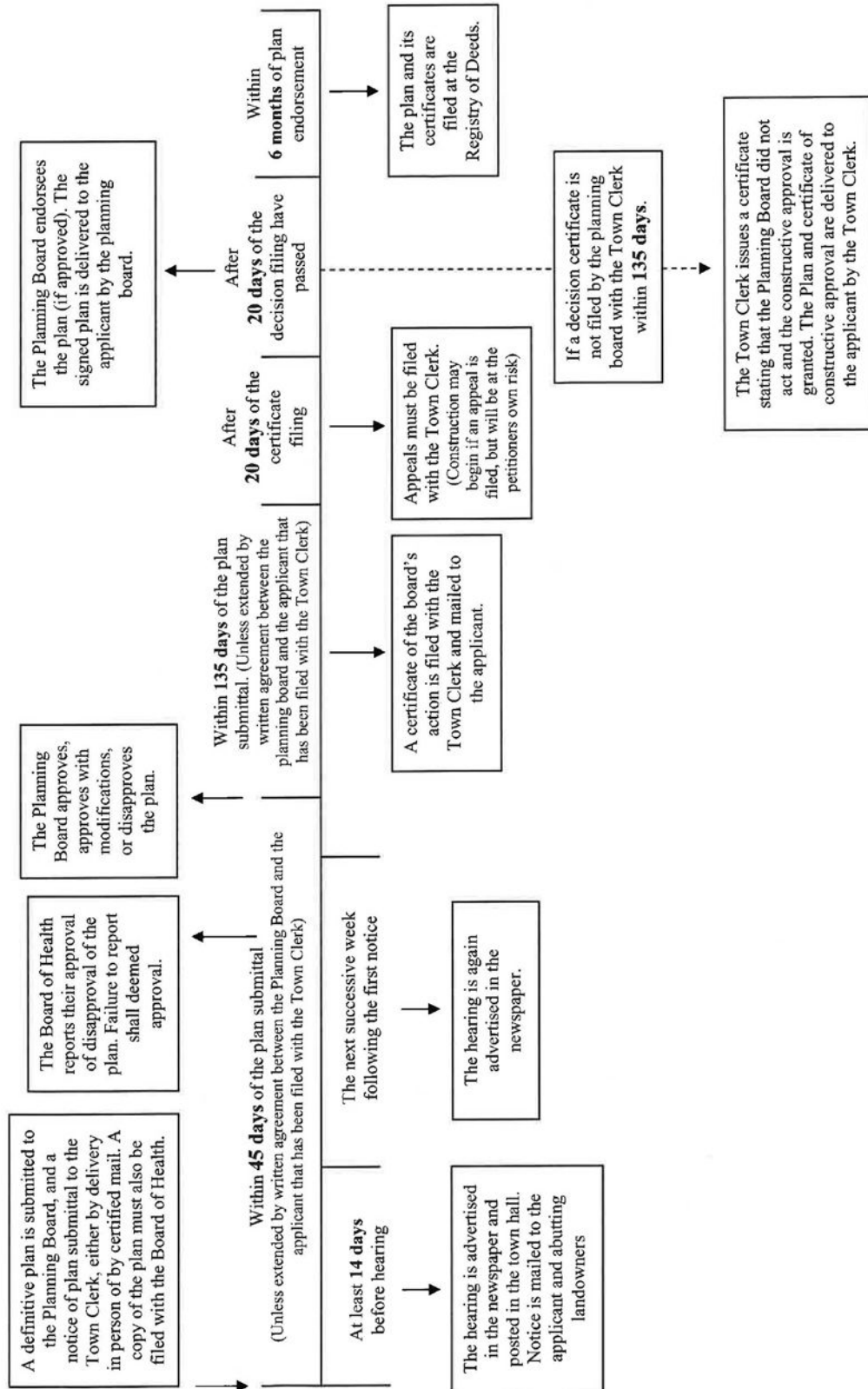
Appendix C: Variances – MGL, Ch. 40A



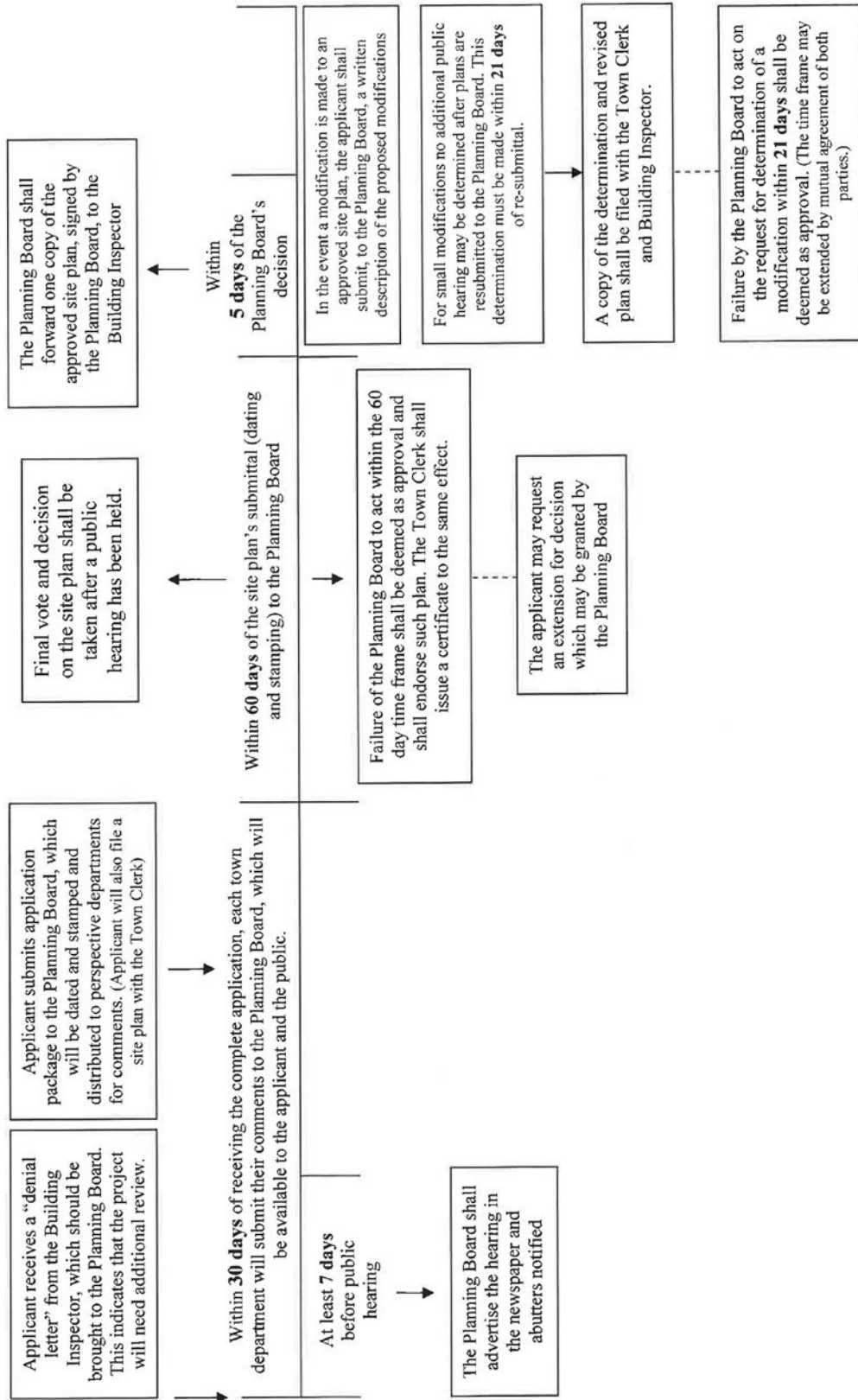
Appendix D: Notice of Intent Wetlands Regulations



**Appendix D: Residential Subdivision – MGL, Ch. 41A
(Definitive Plan Process without Preliminary Plan)**



Appendix F: Site Plan Review



Appendix G: Septic Permitting – MGL, Title V

