



TOWN OF CHELMSFORD BUSINESS & PERMITTING GUIDE

Revised January, 2021



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ChelmsfordMA.Gov

Chelmsford Town Office Hours

Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.

Tuesday, 8:30 a.m. to 7:00 p.m.

Friday, 8:30 a.m. to 1:00 p.m.

TABLE OF CONTENTS

Introduction	3
Structure of this Guide	3
I. Business Permits	5
<i>Initial Point-of-Contact</i>	5
Getting Started	6
Permits and Licenses Commonly Required by Businesses.....	8
➤ Permit Fees.....	8
➤ Time for Acquiring Permits and Licenses	8
Alcoholic Beverage License	8
Building Permit.....	8
Business Certificate/Doing Business As (DBA) Certificate.....	9
Change of Use / Site Plan Review.....	9
Certificate of Occupancy	9
Common Victualler’s License	9
Electrical, Plumbing and Gas Permits	9
Entertainment License	9
Fire Safety Permits	9
Food Establishment Permit.....	10
Historic District Certificate of Appropriateness	10
Parking.....	10
Sign Permit.....	10
Zoning Special Permit.....	10
Permit Requirements by Business Type	10
Opening a Food Establishment.....	11
Opening a Retail Store	12
Opening a Service or Office Business.....	15
II. Land Development and Building Permits	17
<i>Initial Point-of-Contact</i>	17
General Overview.....	17
I. Getting Started.....	17
II. Preliminary Design.....	20
III. Introduction to Land Use & Development Regulations	22
Table 1: Permit Matrix and Timeframes	29
IV. Determining the Required Permits for a Development Project.....	30
V. The Permit Process	31
Figure 1: Permitting Process Flow Chart.....	36
Figure 2: Special Permit Timeline	37
III. Public Hearing Procedure.....	38

IV. Department Contacts & Meeting Schedules	38
Board of Assessors Office	39
Select Board	39
Building Inspector	40
Director of Business Development.....	40
Community Development Office.....	40
Conservation Commission.....	41
Fire Department.....	41
Health Department/Board of Health	42
Historic District Commission.....	42
Historical Commission	42
Planning Board	43
Police Department.....	44
Department of Public Works	44
Water Districts.....	44
Town Clerk.....	45
Town Manager.....	45
Weights and Measures	45
Zoning Board of Appeals.....	46

Appendices

- Appendix A: Federal and State Permits and Approvals
- Appendix B: Fee Schedule and Checklist
- Appendix C: Complete Definitive Subdivision Application
- Appendix D: Complete Site Plan & Special Permit Applications
- Appendix E: Complete Zoning Board of Appeals Applications

INTRODUCTION

The purpose of this guidebook is to assist small business owners, homeowners and developers wishing to develop projects in the Town of Chelmsford. It is the intent of this guidebook to streamline the permitting process for both applicants and Town staff by providing clear, easy to follow procedures and processes required for proposed development activities in Town. In addition, this guidebook will assist the applicant in determining the feasibility of a project by identifying the basic timeframes and expenses associated with the permitting process.

This guidebook is not all inclusive with regard to the necessary approvals, permits and licenses that may be required for a particular project. Instead, it provides a basic overview of the development review and permitting process. Since the amount of detail you need varies according to the permits for which you are applying, consult the appropriate Town department to determine their specific requirements. Town staff or department heads will answer any questions and try to clear up any issues or requirements. However, you may benefit from independent professional and legal advice as well.

This Permitting Guide is for informational purposes only and does not carry legal authority. The information contained in this guide is subject to change and may not be complete or fully up to date. Please refer to the applicable bylaws and regulations for specific technical and procedural requirements. In most cases, you will need professional help in such areas as land surveys, engineering and law. In addition, this guide addresses local approvals and procedures only, many land use developments also require state and/or federal permits, which are discussed in Appendix A.

Structure of this Guide

This Business and Permitting Guide is organized into the following four sections:

Section I. Business Permits is focused on permits and licenses for businesses, whether you are moving into an existing building or constructing new space.

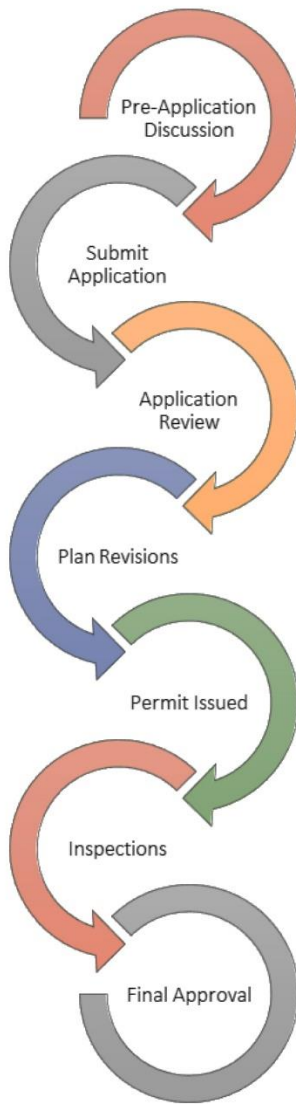
Section II. Building Permits and Land Development is focused on permits and licenses for constructing a new building or modifying an existing building.

Section III. Public Hearing Procedure provides an overview of the public hearing process that is required for certain permits and approvals.

Section IV. Department Contacts & Meeting Schedules provides contact information and a brief summary of the departments responsible for issuing the permits and licenses described in this guide.

AN INTRODUCTION TO THE PERMITTING PROCESS

This Business and Permitting Guide provides an overview of the various permits that may be needed depending on the type of project you are proposing. It discusses who is involved in permitting and what their role is. In the following sections you will find an overview of requirements for obtaining permits and licenses, common terminology, descriptions of Town Departments and Committees, and current fees.



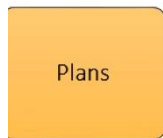
The Permitting Process: An Overview

The graphic to the left identifies the general process for any type of permit. For some projects, you may need multiple permits from different departments. Some permits, such as zoning permits, require authorization from multiple departments before a permit can be issued. Some projects will require authorization from a board or commission prior to even applying for a Building Permit. Due to this complexity, we strongly encourage you to speak with the appropriate departments throughout the permitting and inspection process to minimize the potential for delays.

Furthermore, as each permit is unique, your application process may not match what is found in this guide. For this reason we strongly encourage you to come in and discuss your application with Town officials prior to submitting your application.

Application Components

While each permit application is unique based on the permit type, the following items are required for most permit types.



Adapted from Mansfield, Connecticut's Permitting Guide.

An Introduction to PROJECT TYPES

1. Re-tenanting existing vacant space

Business Permits - If you are opening a business in an existing building and your business is the same type as the previous occupant (e.g. you are opening a restaurant in a space previously occupied by a restaurant), you may only need to acquire business permits and licenses specific to your business as described in Section I. For these business permits and licenses, the **initial point-of-contact** is the Director of Business Development, Lisa Marrone.

2. New Construction / additions

Building Permits and Land Development - If you are constructing a new building, modifying an existing building, or opening a new type of business in an existing building (e.g. opening a restaurant in a space previously occupied by a retail business), you will need land development and building permits described in Section I on the next page, as well as any business permits. For these land development and building permits, the **initial point-of-contact** is the Chelmsford Community Development Director, Evan Belansky.

3. Signage – A Sign Permit issued by the Building Inspector is required to erect, enlarge or structurally alter any sign, with the exception of unlighted signs one square foot or smaller in area and certain temporary signs.

I. BUSINESS PERMITS

INITIAL POINT-OF-CONTACT for Business Permits

Lisa Marrone, Director of Business Development

50 Billerica Rd., 2nd Floor, Room 206, Chelmsford, MA 01824

Direct: 978-244-3303 Main Office: 978-250-5201 Cell: 978-735-3324

[*lmarrone@chelmsfordma.gov*](mailto:lmarrone@chelmsfordma.gov)

The Town of Chelmsford is a business-friendly community with Town staff that are available to provide step by step support for permitting and approvals. It is our mission to ensure that each new, existing and relocating business in the Town has a clear understanding of the requirements of the Town ordinances as well as local programs available for strategic business planning. This approach helps businesses to avoid unforeseen circumstances in site development and Town approvals. This permitting guide provides a strong foundation to make informed decisions and helps to establish meaningful municipal partnerships with businesses in the Town of Chelmsford.

The Town Of Chelmsford provides an economic development team with a specified business development person to provide you and your company with the highest

probability of success. We take pride in our business community and can assist you throughout the cycle of development, from initial discussions to growth and maturation.

We would like to learn more about your business interest and guide you through our permitting process, grand (re)opening ribbon cutting program, long term sustainability and more. You'll become connected with the necessary Town Department(s) and approval schedules to include a checklist of permit requirements, licenses, inspections, and fees. To take the first step towards opening a business in the Town of Chelmsford, please contact Lisa Marrone, Director of Business Development at the contact information on the top of this page.

GETTING STARTED

All business permit and license applicants are required to follow certain procedures. These apply to property owners and lessees alike.

1. As a first step, we recommend that you start by gathering some basic information about your proposed business and location.

Location / Zoning: One of the first considerations when choosing a location for the business is if your type of business is allowed to operate in the selected location. The Town Zoning Bylaw regulates the type of businesses that can operate in certain zones of the Town. The purpose of the bylaw is to reduce conflicts between incompatible land uses. The Zoning Bylaw also provides additional important information including parking requirements, dimensional regulations, and loading requirements. If your business does not conform to the Zoning Bylaw, your application may be denied. You may have the option to apply for a Special Permit, but you should initiate this process as early as possible as the process can take several months.

The Zoning Bylaw may be viewed at <https://www.ecode360.com/29363180>

The Director of Business Development and the Community Development Director's office staff can assist you in determining the zoning status of your property. You can also search for zoning information by property address on the Town's website:

<https://chelmsfordma.mapgeo.io>

Additional Basic Information for you Proposed Business

Business Use: Retail, office, industrial, food service, medical, wholesale, manufacturing, services, etc.

Property Type: Locating in a new or an existing structure

Scope of Business: Size of building, number of employees, parking needs, outdoor seating

Utilities (water/ sewer/ electric/ gas): what utilities exists, where are they located and is there enough capacity

Specialties: Chemicals, food, medical waste, automotive, etc.

You are strongly encouraged to visit the Building and Community Development Departments and request to review the files for your property address.

2. Contact the Chelmsford Business Development Director as part of your planning to determine the exact requirements for your business.

The process could be as simple as obtaining a permit from one of the town offices if, for example, you are moving a similar business into an existing space. Some conditions may require that you see more than one department; it may be possible to schedule joint meetings with the appropriate departments. The Director of Business Development can assist you with the required paperwork, help coordinate the required approvals with Town departments, and provide additional assistance to help you determine which licenses you may need from other Town departments.

3. Identify and Obtain Permits and Licenses.

With the help of this guide, the Director of Business Development, the Community Development Office, and the various Town departments and boards, identify the permits and licenses required for your business. For more complex projects and new construction, a pre-application meeting with department representatives can help to identify a complete list of requirements. Pre-application meetings are discussed below in Section 2.

A list of permits and licenses most commonly required by businesses is located on the following page. Please note that many permits and licenses include a departmental sign off sheet and it is your responsibility to visit each applicable department to obtain necessary sign offs.

4. Register Your Business

The next step is to register your business with the Town Clerk's office. Most businesses, including all unincorporated businesses which are conducting business under a name other than one's own name and any corporation not registered in Massachusetts, must file a Business Certificate with the Town Clerk's office. This certificate is commonly known as a 'Doing Business As' certificate. The certificate is valid for four years from the date of issue.

Permits and Licenses Commonly Required by Businesses

➤ **Permit Fees**

As a general rule, all permits require payment of fees. Prices listed in Appendix B are effective as of the publication date, and the most current fee schedules for each permit or procedure are available at each permit and license office.

➤ **Time for Acquiring Permits and Licenses**

The Town makes every effort to minimize the processing time for permits and licenses. However, processing permits does take time. As with anything, proper planning, research and communication with the Town will help you anticipate and avoid potential problems and delays. We encourage you to contact the Town as early in the planning process as possible. If your project is complex and involved, you may consider hiring outside professionals such as architects, engineers, or consultants to assist you. You will most likely find out that the extra effort you made to hire qualified people experienced in successfully processing permits will save you time and money in the long run.

Common Business Permits and Licenses

The following list is not comprehensive and may not include all of the permits required by your business. Please contact the Director of Business Development to identify the permits and licenses that your business may require. Many if not all of these permits and Licenses will require the hiring of licensed professionals in order to prepare required plans.

Alcoholic Beverage License

There are several types of alcohol licenses to sell alcoholic beverages. Alcohol licenses are issued by the Select Board and governed by all applicable State requirements.

Auto Dealer License

An Auto Dealer License is required for the operation of a business that sells new or used automobiles. Auto Dealer Licenses are issued by the Select Board.

Building Permit

Building Permits give legal permission to begin construction or make modifications, improvements, and changes to a building. Building Permits are required for all building alterations and modifications that are not an "ordinary repair" as defined by the latest edition of the Massachusetts State Building Code. Building Permit requirements are described in detail in Section II of this guide.

The following "ordinary repairs", including but not limited to require a building permit:

- Cutting away of any wall, partition or portion thereof
- Removal or cutting of any structural beam, column or other load-bearing support;
- Removal or change of any required means of egress;
- Rearrangements of parts of a structure affecting the egress requirements;

- Addition, alterations, replacement or relocation of any standpipe, water supply, mechanical system, fire protection, energy conservation; or
- Other work affecting public health or safety

All permit applications are submitted online from the Town's Website. Click "online permitting", register (create account) and complete the application.

Business Certificate/Doing Business As (DBA) Certificate

Most businesses will need a Business Certificate/Doing Business As certificate from the Town Clerk's Office. A Business Certificate is a registration of a business that is being conducted within the Town of Chelmsford. Its purpose is primarily for consumer protection and public information purposes. Home occupations require a Business Certificate.

Change of Use / Site Plan Review

A Site Plan Review for a change of use may be required if you are moving into a space that was previously occupied by a different type of business. A checklist with the items required for a complete Site Plan review application is included in Appendix D.

Certificate of Occupancy

No building, whether newly constructed, altered, or with a change in use, may be occupied until an Occupancy Permit is issued by the Building Inspector. Regardless of doing remodeling or not, a Certificate of Occupancy from the Code Enforcement Office will need to be obtained prior to opening your business.

Common Victualler's License

Issued by the Select Board, this license is required for food and non-alcoholic beverages to be sold and consumed on premises.

Electrical, Plumbing and Gas Permits

Electrical, plumbing and gas permits from the Building Inspectors Office are required for any electrical, plumbing or gas work, including repairs to existing systems. Please note that only a licensed plumber or electrician can obtain these permits.

Entertainment License

Issued by the Select Board, this license may be required if your business will be providing entertainment, such as live or recorded music.

Fire Safety Permits

The Fire Department is responsible for inspecting or issuing permits for a variety of safety features including sprinklers, fuel storage, installation and removal of burners, master box connections, and smoke/carbon monoxide detectors.

Food Establishment Permit

Your business will require a Food Establishment permit from the Board of Health if you will be selling food.

Historic District Certificate of Appropriateness

If your business is in the Chelmsford Center Historic District, most exterior changes require a Certificate of Appropriateness from the Historic District Commission. Contact information the Historic District Commission is located in Section IV.

Parking

You may need to submit a Site Plan for review to demonstrate that parking requirements are met. Speak to the Building Inspector to ensure that you have adequate parking.

Sign Permit

A Sign Permit is required to erect, enlarge or structurally alter any sign or banner, with the exception of unlighted signs one square foot or smaller in area and certain temporary signs. Sign Permits are issued by the Building Inspector. Sign regulations may viewed at <https://www.ecode360.com/8274608>

Zoning Special Permit

Various commercial uses require a Special Permit before locating within certain zoning districts in Chelmsford. The municipal board responsible for issuing Special Permits varies depending on what the use is and where it is located. If your project requires a Special Permit, the Community Development Director can assist you in determining which board is responsible for approving the Special Permit.

PERMIT REQUIREMENTS BY BUSINESS TYPE

The type of permits and licenses required to operate a business in Chelmsford will depend on the type of business you plan to operate. Because the required permits and licenses vary by business type, the following pages list permits that *will* be required for common business types, as well as permits that *might* be required for those businesses. These sample lists are meant to be used as a reference as you go through the permitting process. They should help you to prepare to meet with municipal staff and board members, and for reference as you move through the process. They are not a substitute for meeting with staff to determine which permits and licenses are required.

OPENING A FOOD ESTABLISHMENT

Permits and licenses you **WILL** need:

- **Business Certificate/Doing Business As Form** from the Town Clerk
- **Food Establishment Permit** from the Board of Health*
- **Common Victualler's License** from the Select Board*
- **Building Permit / Certificate of Occupancy** from the Building Inspector*

* Required submittals will likely include floor (layout) plans for customer and employee areas displaying proposed number and locations of tables and chairs, outdoor seating areas, locations of bathrooms ADA accessibility and a detailed plan of the kitchen / food prep and storage areas. These submissions are required to be prepared by licensed professionals.

The Board of Health will require a proposed menu.

- **Sign Permit** from the Building Inspector

Permits, licenses and inspections you **MIGHT** need:

- An **Alcoholic Beverage License** will be required from the Select Board if you will be serving alcohol.
- A **Building Permit** will be required if construction, remodeling or building modifications are involved. Please see the *Land Development and Building Permits* section of this guide.
- To ensure that the **zoning** district where your business will be located allows food establishment uses either by-right or by Special Permit, please speak to the Community Development staff.
 - If your business is allowed by **Special Permit**, you will need to obtain the permit from the Special Permit Granting Authority (either the Planning Board or the Zoning Board of Appeals). The Community Development staff can assist you in determining which board issues the permit.
- A **Site Plan Review** for a change of use may be required if you are moving into a space that was not previously operated as a food establishment.
- An **Entertainment License** from the Select Board may be required if you will be providing entertainment, such as live or recorded music.
- Speak to the Building Inspector to ensure that you have adequate **parking**. You may need to submit a **Site Plan** for review to demonstrate that parking requirements are met.

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OPENING A FOOD ESTABLISHMENT - continued

- If your business is in the Chelmsford Center Historic District, most exterior changes require a **Certificate of Appropriateness** from the Historic District Commission. Please note that a Certificate is NOT required for a) color or paint; b) color of materials used on roofs c) reconstruction of a building, structure or architectural feature under specific circumstances; and d) storm doors, storm windows, screen doors, and screen windows.
- The Plumbing & Gas Inspector in the Building Inspectors Office determines the correct **number of plumbing fixtures** (i.e. toilets) as required by State code.
- Check with the **Health Department** regarding any other local health ordinances that may apply, including requirements for grease traps.
- A **Weights and Measures seal** may be required for weighing and measuring devices (scales, pumps and meters) if you are selling items based on unit of measurement (weight, volume, length or time). In addition, if you will have three or more cash registers, you may need your price scanners verified. The Northern Middlesex Council of Governments (NMCOG) conducts inspections for Weights and Measures in Chelmsford. Contact information for NMCOG is provided under "Weights and Measures" in the Department Contacts & Meeting Schedules section.
- Each **dumpster** for your business will require a Board of Health permit and fee.

Food Establishment Permit Checklist

Permit, License or Inspection	Required	Received
Business Certificate / Doing Business As Form	<input type="checkbox"/>	<input type="checkbox"/>
Food Establishment Permit	<input type="checkbox"/>	<input type="checkbox"/>
Common Victualler's License	<input type="checkbox"/>	<input type="checkbox"/>
Sign Permit	<input type="checkbox"/>	<input type="checkbox"/>
Certificate of Occupancy	<input type="checkbox"/>	<input type="checkbox"/>
Alcoholic Beverage License	<input type="checkbox"/>	<input type="checkbox"/>
Building Permit	<input type="checkbox"/>	<input type="checkbox"/>
Special Permit	<input type="checkbox"/>	<input type="checkbox"/>
Site Plan Review	<input type="checkbox"/>	<input type="checkbox"/>
Entertainment License	<input type="checkbox"/>	<input type="checkbox"/>
Historic District Certificate of Appropriateness	<input type="checkbox"/>	<input type="checkbox"/>
Site Plan Review - Parking	<input type="checkbox"/>	<input type="checkbox"/>
Plumbing fixture determination	<input type="checkbox"/>	<input type="checkbox"/>
Other Health Department permits or licenses	<input type="checkbox"/>	<input type="checkbox"/>
Weights and Measures Seal	<input type="checkbox"/>	<input type="checkbox"/>
Dumpster Permit	<input type="checkbox"/>	<input type="checkbox"/>

OPENING A RETAIL STORE

Permits and licenses you **WILL** need:

- **Business Certificate / Doing Business As Certificate** from the Town Clerk
- **Sign Permit** from the Building Inspector
- **Occupancy Permit** from the Building Inspector

*Permits and licenses you **MIGHT** need:*

- A **Building Permit** will be required if construction, remodeling or building modifications are involved. Please see the *Land Development and Building Permits* section of this guide.
 - Required submittals will likely include floor (layout) plans for customer and employee areas and ADA accessibility.
- To ensure that the **zoning** district where your business will be located allows retail uses either by-right or by Special Permit, please speak to the Community Development staff.
 - If your business is allowed by **Special Permit**, you will need to obtain the permit from the Special Permit Granting Authority (either the Planning Board or the Zoning Board of Appeals). The Community Development staff can assist you in determining which board issues the permit.
- A **Site Plan Review** for a change of use will be required if you are moving into a space that was not previously operated as a retail business. Note from Board of Health: temperature controlled sensitive products will required additional approval.
- Speak to the Building Inspector to ensure that you have adequate **parking**. You may need to submit a **Site Plan** for review to demonstrate that parking requirements are met.
- If your business is in the Chelmsford Center Historic District, most exterior changes require a **Certificate of Appropriateness** from the Historic District Commission. Please note that a Certificate is NOT required for a) color or paint; b) color of materials used on roofs c) reconstruction of a building, structure or architectural feature under specific circumstances; and d) storm doors, storm windows, screen doors, and screen windows.
- Your business will require a **Retail Food Establishment** permit from the Board of Health if you will be selling food.
- An **Alcoholic Beverage License** will be required from the Select Board if you will be selling alcohol.
- Each **dumpster** for your business will require a Board of Health permit and fee.
- If your business will be selling any type of tobacco product, you will require a **Tobacco Sales Permit** from the Board of Health.

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OPENING A RETAIL STORE - continued

- If your business will be selling new or used automobiles, you will require an **Auto Dealer License** from the Select Board.
- A **Weights and Measures seal** may be required for weighing and measuring devices (scales, pumps and meters) if you are selling items based on unit of measurement (weight, volume, length or time). In addition, if you will have three or more cash registers, you may need your price scanners verified. The Northern Middlesex Council of Governments (NMCOG) conducts inspections for Weights and Measures in Chelmsford. Contact information for NMCOG is provided under "Weights and Measures" in the Department Contacts & Meeting Schedules section.

Retail Store Permit Checklist

Permit, License or Inspection	Required	Received
Business Certificate / Doing Business As Form	<input type="checkbox"/>	<input type="checkbox"/>
Sign Permit	<input type="checkbox"/>	<input type="checkbox"/>
Occupancy Permit	<input type="checkbox"/>	<input type="checkbox"/>
Building Permit	<input type="checkbox"/>	<input type="checkbox"/>
Special Permit	<input type="checkbox"/>	<input type="checkbox"/>
Site Plan Review (Noted by Board of Health)	<input type="checkbox"/>	<input type="checkbox"/>
Site Plan Review - Parking	<input type="checkbox"/>	<input type="checkbox"/>
Historic District Certificate of Appropriateness	<input type="checkbox"/>	<input type="checkbox"/>
Board of Health – Temperature Controlled Sensitive	<input type="checkbox"/>	<input type="checkbox"/>
Retail Food Establishment	<input type="checkbox"/>	<input type="checkbox"/>
Alcoholic Beverage License	<input type="checkbox"/>	<input type="checkbox"/>
Dumpster Permit	<input type="checkbox"/>	<input type="checkbox"/>
Tobacco Sales Permit	<input type="checkbox"/>	<input type="checkbox"/>
Auto Dealer License	<input type="checkbox"/>	<input type="checkbox"/>
Weights and Measures Seal	<input type="checkbox"/>	<input type="checkbox"/>

OPENING A SERVICE OR OFFICE BUSINESS

Permits and licenses you **WILL** need:

- **Business Certificate/Doing Business As Certificate** from the Town Clerk
- **Sign Permit** from the Building Inspector
- **Occupancy Permit** from the Building Inspector

Permits and licenses you **MIGHT** need:

- A **Building Permit** will be required if construction, remodeling or building modifications are involved. Please see the *Land Development and Building Permits* section of this guide.
 - Required submittals will likely include floor (layout) plans for customer and employee areas and ADA accessibility.
- To ensure that the **zoning** district where your business will be located allows your type of service or office business either by-right or by Special Permit, please speak to the Community Development staff.
 - If your business is allowed by **Special Permit**, you will need to obtain the permit from the Special Permit Granting Authority (either the Planning Board or the Zoning Board of Appeals). The Community Development Office staff can assist you in determining which board issues the permit.
- A **Site Plan Review** for a change of use may be required if you are moving into a space that was not previously operated as your type of service or office business. If the project is food related, Board of Health permitting may also be required.
- Speak to the Building Inspector to ensure that you have adequate **parking**. You may need to submit a **Site Plan** for review to demonstrate that parking requirements are met.
- If your business is in the Chelmsford Center Historic District, most exterior changes require a **Certificate of Appropriateness** from the Historic District Commission. Please note that a Certificate is NOT required for a) color or paint; b) color of materials used on roofs c) reconstruction of a building, structure or architectural feature under specific circumstances; and d) storm doors, storm windows, screen doors, and screen windows.
- **Professional medical registrations** for physicians, optometrists, osteopaths and podiatrists must be recorded with the Town Clerk.
- Each **dumpster** for your business will require a Board of Health permit and fee.

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OPENING A SERVICE OR OFFICE BUSINESS - continued

- If your business will involve **massage or muscular therapy**, you will require a permit of registration from the State of Massachusetts.
- The following business types require a license, permit or certificate of registration from the Board of Health: **body art; tanning facilities; refuse haulers; and septic pumping businesses.**
- If your business will provide **fortune telling**, you will require a license from the Select Board.
- A **Weights and Measures seal** may be required for weighing and measuring devices (scales, pumps and meters) if you are selling items based on unit of measurement (weight, volume, length or time). The Northern Middlesex Council of Governments (NMCOG) conducts inspections for Weights and Measures in Chelmsford. Contact information for NMCOG is provided under "Weights and Measures" in the Department Contacts & Meeting Schedules section.

Service or Office Business Permit Checklist

Permit, License or Inspection	Required	Received
Business Certificate / Doing Business As Form	<input type="checkbox"/>	<input type="checkbox"/>
Sign Permit	<input type="checkbox"/>	<input type="checkbox"/>
Occupancy Permit	<input type="checkbox"/>	<input type="checkbox"/>
Building Permit	<input type="checkbox"/>	<input type="checkbox"/>
Special Permit	<input type="checkbox"/>	<input type="checkbox"/>
Site Plan Review	<input type="checkbox"/>	<input type="checkbox"/>
Site Plan Review - Parking	<input type="checkbox"/>	<input type="checkbox"/>
Historic District Certificate of Appropriateness	<input type="checkbox"/>	<input type="checkbox"/>
Professional Medical Registration	<input type="checkbox"/>	<input type="checkbox"/>
Dumpster Permit	<input type="checkbox"/>	<input type="checkbox"/>
Massage or Muscular Therapy Permit	<input type="checkbox"/>	<input type="checkbox"/>
Other Health Department permits or licenses	<input type="checkbox"/>	<input type="checkbox"/>
Fortune Telling License	<input type="checkbox"/>	<input type="checkbox"/>
Weights and Measures Seal	<input type="checkbox"/>	<input type="checkbox"/>

II. LAND DEVELOPMENT AND BUILDING PERMITS

INITIAL POINT-OF-CONTACT for Land Development and Building Permits

Evan Belansky, Community Development Director

50 Billerica Rd., Lower Level Room LL05, Chelmsford, MA 01824

Phone: 978-250-5231; ebelansky@chelmsfordma.gov

GENERAL OVERVIEW

This section provides developers, business owners and homeowners with guidance for permits and licenses for constructing a new building or modifying an existing building. It is the intent of this guidebook to streamline the permitting process for both applicants and Town staff by providing clear, easy to follow procedures and processes required for select proposed development activities in Town. In addition, this section will assist the private investor in determining the feasibility of a construction or renovation project by identifying the basic timeframes and expenses associated with the permitting process.

The following protocols should ALWAYS be adhered to for ANY project or activity:

1. Conduct Due Diligence
2. When in doubt call Town Hall.
3. Know where your property boundary lines are located.
4. Contact the Conservation Commission whenever wetlands are present within 100 feet of the project or activity.
5. Contact the Engineering Division whenever a project or activity will take place within 10 feet from the edge of pavement from a public road.
6. Obtain all necessary permits / approvals and licenses prior to commencement of a project or activity.
7. Record permits and provide evidence of said recording.
8. Always contact DIG SAFE, prior to commencing any project or activity that involves any soil disturbance.
9. Schedule any necessary inspections.

Most land development and construction, including renovations and/or the change of use of an existing building, require a permit from the Town. In many cases, especially with larger and more complex projects, more than one permit from various boards, commissions and departments will be required.

I. GETTING STARTED

Understanding the Project

The first and one of the most important steps in getting started is conducting preliminary research so that there is knowledge and understanding about the project as early as possible, as this will save time and money.

1. Type of Project

Having an understanding of the projects scale and scope will assist in determining the simplicity or complexity of the permitting process. For example, is the project a re-tenanting such as opening a retail business or restaurant where one already exists, a change of use such as opening a restaurant where a retail business existed, opening or expanding a business that requires new construction or additions, or the construction of a new or expansion of an existing parking lot?

2. Lay of the Land

Next, a basic understanding of the property, such as address, parcel size, zoning district, current use, building size, number of existing parking spaces, presence of environmental constraints such as wetlands, floodplains and aquifers is needed.

Chelmsford's Town website has a web based mapping tool that allows you to display a map of your property. A link to the mapping tool can be found at: <https://chelmsfordma.mapgeo.io/>

Start by finding your property by searching by the Map, Block and Lot number, the address or owner's last name and then click the search button. A map of the property displaying the lot lines, existing structures, adjacent properties and basic property data will appear. In addition, from this web page, you can obtain more detailed property data by clicking on "Property Record Card" which will link to the Assessors database.

For more detailed mapping options, click on "Themes". This feature will allow you to display property characteristics such as site details, natural resources, adjacent land uses zoning and aerial photography.

The web based mapping tool can NOT be used for engineering and / or permitting purposes.

3. Regulatory Review

The feasibility of your project is largely based upon the Town's land use regulations such as the Zoning and the Wetlands Bylaw. Therefore, it is recommended that you review these documents.

Next, a determination as to whether or not the project can be permitted under the Town's land use regulations is needed. Based upon the zoning district in which the property is located, the Chelmsford Zoning Bylaw can be reviewed to determine if the proposed "use" is allowed.

Section III of the Zoning Bylaw lists the permitted uses and dimensional requirements of each zoning district. A link to the Zoning Bylaw can be found here <https://www.ecode360.com/29363180>

In addition, the Chelmsford Wetlands Bylaw and the Massachusetts Wetlands Protection Act can also be reviewed to determine if the proposed project can be permitted.

4. Making Initial Contact

Upon conducting the preliminary research, the first point of contact with the Town of Chelmsford should be the Community Development Director (CDD). The CDD will be able to confirm the accuracy of the preliminary research and provide further guidance and technical assistance, such as if the project meets the Town's land use regulations, what permits are needed, the approximate time frame and how best to move the project forward with permitting. This initial contact can be by phone or in person by appointment.

If an attorney and/or an engineer are working on the project, it would be beneficial for them to be involved in this initial contact with the CDD.

5. File Reviews

A more detailed and comprehensive understanding of the property can be obtained by reviewing the official records of the Town. Each Town Board and Department, as outlined in Section VI, maintains property records which identify previously approved projects, inspections and violations.

Based upon a file review it may be determined that a property is non-conforming, near wetlands, was granted special permits or variances, or has other unique qualities that make development and/or other uses more complex for permitting. For these more complicated projects, the owner/contractor should meet with the staff of the Community Development Department and/or the Building Inspector. The Community Development Department is a good first stop in planning your project and should be able to provide information on the permitting processes and procedures, what steps should be followed and who to contact for various needs.

6. Zoning Letter of Determination

Regardless of the results of your research, you should contact the Building Inspector, who also serves as the Zoning Enforcement Officer for the Town. The Zoning Officer is responsible for making the final determination as to all matters related to zoning such as the zoning district in which the property is located, the uses allowed, what will be needed to secure a Building Permit, and what regulatory process will need to be pursued.

For an official determination, a Zoning Letter of Determination should be requested. The purpose of a zoning determination letter is to verify in writing the allowed uses, development standards and regulations applicable to a specific site. There are two **types of zoning letters: basic and detailed.**

Basic letters include information about the location's current zoning and land use history. Basic letters are often referred to as a "bank letter", are used by finance institutions during due diligence periods, and include the following:

- Description of current zoning
- Summary of uses allowed by zoning
- List of applicable land use history

Detailed letters provide information including review and analysis of the past and current uses and permit history of the site. They are often referred to as a "zoning analysis letter" when they address complex zoning issues or a "nonconforming standard evidence letter" when they are used to document a nonconforming situation, and include some or all of the following:

- Description of zoning and zoning history
- Details of building permit and land use history
- Responses to specific questions
- Development analysis upon request
- Use determinations
- Documentation of legal nonconforming use or density using standard evidence

7. Abutter / Neighborhood Contact

Since most projects will require a public hearing in which abutters within 300 ft will be notified, it is recommended that the project proponent proactively contact abutters to present the conceptual project to identify and address any concerns, rather than waiting until the formal public hearing.

Early communication is not only courteous; it is a proven strategy for increasing the opportunity for success.

8. Taking Stock

Based upon the preliminary research and initial contact with the CDD, estimating planning costs, setting realistic project timelines, and managing the project process should be better understood.

II. PRELIMINARY DESIGN

1. Hiring Consultants

At this point, based upon the preliminary research, and if not done so already, the hiring of consultants such as a surveyor, civil engineer and wetlands scientist is needed for projects that involve the construction or addition of a new building or the construction or expansion of a parking lot. In addition, depending on the complexity of the permitting process, it may be beneficial to hire an attorney as well.

These professionals will assist in designing the project so that it complies with the Town's land use regulations to the maximum extent feasible so as to avoid permitting delays and costly changes to the project.

These consultants should first prepare a conceptual plan. A conceptual plan should show a general layout (buildings, parking, landscaped areas) and access to the lot as well as any likely wetlands, streams or flood plains that may be present.

2. Pre-Application Meetings

Once the consultants have completed a conceptual plan of the proposed project, it is strongly recommended that a pre-application meeting be scheduled with the CDD. This meeting may also include the Conservation Agent if wetlands are present.

This meeting provides an opportunity to further refine the preliminary research, identify specific land use regulations that will require permitting, identify opportunities to improve the project and identify specific Town Departments and / or officials that should be contacted for more detailed discussions.

For large and / or complex projects, an Inter-Departmental Technical Review Meeting is strongly encouraged.

3. Inter-Departmental Technical Review Meeting

A pre-application meeting can be arranged through the Community Development Director. This meeting allows an applicant to meet with department representatives at the same time and to present the preliminary project plans and concepts prior to the submission of any applications. The applicant also receives input as to what additional material and information should be included with the application, as well as what areas may prove problematic for the decision-making boards and commissions. Typically, department representatives at this meeting include the Community Development Director, the Building Commissioner, the Conservation Agent, and representatives from the Fire Department, Health Department, Police Department, and the Department of Public Works.

This meeting provides an opportunity to present conceptual plans to representatives of the major development-related boards, commissions and departments in a single meeting. Town officials will provide guidance and feedback, such as additional information that will be beneficial to the permitting process, to the applicant in a coordinated manner in an effort to help avoid conflicts that may arise from the various sets of individual rules and regulations. The project proponent will have an opportunity to meet Town officials; fostering better communication throughout the permitting process.

The purpose of the Staff Technical Review Group is twofold. First, the group assists applicants and potential applicants through the Development Review and Permit process by identifying:

- Town and State Regulations that apply to the project;
- Site design issues that are of concern and discussion of potential solutions; and
- Permits that will be required and the process for obtaining them.

Secondly, the group assists the Town's regulatory boards by coordinating internal departmental reviews.

The Staff Technical Review Group consists of the following Departments and Individuals:

- Department of Public Works (DPW) - Town Engineer
- Fire Department - Fire Prevention Officer
- Police Department
- Health Department - Director of Health
- Community Development Department - Community Development Director
- Building Inspector

III. INTRODUCTION TO LAND USE & DEVELOPMENT REGULATIONS (PERMIT TYPES & TIME FRAMES)

Overview of Development Permits

There are five major categories of land use regulations:

1. Zoning

The Zoning Bylaw determines where particular uses are allowed, dimensional requirements and setbacks for buildings and parking lots, and landscaping and buffering requirements. The Zoning Bylaw will also determine what type of permitting process will be required, such as site plan approval, special permits and variances, as well as other applicable specialized zoning approvals such as Major Business Complex special permits, and floodplain and aquifer protection.

What is "by-right"?

"By-right" refers to land uses that are allowed in a particular zoning district without discretionary review by the Town. In most cases, Site Plan Review will be required for most residential multifamily, commercial and industrial development. Site Plans are also reviewed as part of the Special Permits review of. As shown in the Permit Matrix below, a public hearing will usually be scheduled within one month of the submission of the Site Plan; and a decision will be made within 90 days of the close of the public hearing.

A checklist with the items required for a complete Site Plan review application is included in Appendix D.

What is a "Special Permit"?

A Special Permit may be required for certain uses that have been determined to require an additional level of review and discretion. The municipal board responsible for issuing Special Permits varies depending on what the land use is and where it is located. If your project requires a Special Permit, the Community Development Director can assist you in determining which board is responsible for approving the Special Permit. As shown in the Permit Matrix below, regardless of which municipal board is granting the Special Permit, a public hearing will be held within 65 days of the submission of a complete Special Permit application; and a decision will be made within 90 days of the close of the public hearing.

A detailed timeline for applying for a Special Permit is shown in Figure 2 on page 37. A checklist with the items required for a Special Permit from the Planning Board is included in Appendix D. A checklist with the items required for a Special Permit from the Zoning Board of Appeals is included in Appendix E.

What is a "Variance"?

A Variance is a reduction of certain requirements, typically dimensional requirements, of a Zoning Ordinance. A Variance can only be granted by the Zoning Board of Appeals if the request satisfies certain narrowly defined conditions relating to the soil conditions, shape, or topography of the land or structures when literal enforcement of the provisions would involve substantial hardship, and the relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning Bylaw.

What is an "Overlay District"?

In addition to conventional zoning districts, the Town also has five overlay districts: the CX District, the Aquifer Protection District, the Floodplain District, the Community Enhancement and Investment Overlay District, and the Village Center Overlay District. Except for the Floodplain District, the districts' boundaries are shown on the Official Zoning Map. Depending on the purpose of the overlay district, it may encourage or limit certain uses within the overlay district boundary. For example, projects are allowed within the Village Center Overlay District that would not otherwise be allowed in the underlying zoning district, while the Aquifer Protection District places restrictions on uses in addition to the restrictions placed by the underlying zoning district.

2. Wetlands

In accordance with the Massachusetts Wetlands Protection Act, MGL Chapter 131, Section 40, and the Chelmsford Wetlands Bylaw, projects may require permits issued by the Conservation Commission to ensure protection of wetland resource areas.

What is a wetland?

As defined by the Wetlands Protection Act, wetlands refer to inland banks, marshes, swamps, wet meadows, bogs, flowing or standing surface water, areas subject to

flooding, vernal pools, etc. Wetlands include the jurisdictional area within 100 feet of those resource areas.

What is a Riverfront Area?

The riverfront area is a 200 foot-wide corridor on each side of a perennial river or stream. A river is any natural flowing body of water that empties into any ocean, lake, or other river and that flows throughout the year, including all perennial rivers, streams and brooks that flow throughout the year.

What projects fall under the jurisdiction of the Conservation Commission?

Work in a resource area, within the 100-foot Buffer Zone of a resource area, or work within 200 feet of a perennial river or stream, as defined by the Massachusetts Wetlands Protection Act and the Rivers Protection Act, is regulated by the Conservation Commission. Many kinds of development are prohibited in such areas, and those that are allowed may require a permit called an Order of Conditions to protect wetland resource areas.

3. Subdivision

The Chelmsford Subdivision Regulations, in accordance with the Massachusetts Subdivision Control Law, MGL Chapter 41, Sections 81K-81GG, outline the necessary permits required for the dividing of land into smaller lots.

If the project involves dividing land into lots or parcels (either residential or commercial) and requires the construction of new streets, subdivision approval must be obtained from the Planning Board. If the project does not require new streets, then an endorsement from the Planning Board on an "Approval-Not-Required" (ANR) plan is required.

What is a "Subdivision"?

A subdivision is the division of a parcel of land into lots that requires the creation of frontage with the construction of new roadways.

What is an "Approval Not Required (ANR) Plan"?

An Approval Not Required (ANR) Plan is a plan in which lot lines are either changed or affirmed and does not require the construction of a new roadway to serve the lots.

As shown in the Permit Matrix below, a decision will be made within 21 days of an Approval Not Required Plan's submittal at a regularly scheduled Planning Board meeting; a decision will be made on a Preliminary Subdivision Plan within 45 days; and a decision will be made on a Definitive Subdivision Plan within 95 days (or 135 days if no Preliminary Subdivision Plan was submitted).

A checklist with the items required for a complete Definitive Subdivision application is included in Appendix C.

4. Building

All new construction or demolition of existing structures, some types of renovations, and changes of use or occupancy of an existing building must receive a building permit in conformance to the provisions of the Massachusetts State Building Code.

What is a building permit?

A building permit is issued by the Building Inspector after final reviews are conducted for local and state compliance of zoning, building and construction, and handicapped access.

What is the State Building Code?

The purpose of the State Building Code is to protect public safety by ensuring that buildings that are intended for occupancy are structurally sound, are constructed of appropriate materials, have adequate egress for fire safety, promote energy conservation, and have adequate sanitary facilities.

5. Infrastructure & Utilities

Department of Public Works

- Road Opening - New or altered driveways on any Town road or any utility connection require the filing and approval of a Road Opening permit from the Highway Division.
- Sewer permit - Required for all construction, alteration, or disruption of any new or existing residential or non-residential connection to any public sanitary sewer. All permit applications shall comply with the Town of Chelmsford Sewer Use Regulations governing the use of public and private sewers and drains; the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system.
- Trench permit (per MGL 82A) - All excavators must obtain a permit prior to the creation of a trench made for a construction related purpose on a public or private land or rights of ways. Trench permits are granted by the Department of Public Work.

Water Connections

- The Town of Chelmsford is served by three different water districts that are separate from the Department of Public Works. Each District has their own Commissioners and Rules and Regulations governing such items as water usage rates, system connection fees and fire protection fees. Contact information for the water districts are listed in Section IV. For water service support, please contact the appropriate water service provider directly.

6. Health & Safety

Board of Health

- Food Retailers Permit - Required for any new business that prepares and/or temperature controlled sensitive foods or sells food on site.

- Well Construction - Required for any construction of a new well or the destruction of an existing well.

Fire Department

Permits, licenses and approvals are governed under local bylaws and under MGL Chapter 148 and CMR 5127 for such uses as storage of hazardous materials/flammables, lumberyards, gasoline stations, and above and underground storage tanks.

7. Related Permits

Most projects will require other permits related to the project but not issued under Zoning, Wetlands or Subdivision laws. These permits are called "Related Permits". Related permits may be issued by the town, state or federal agencies. The following is a summary of the most common related permits. Additional state and federal permits that may be required are outlined in Appendix A.

Related Town Permits

Demolition Delay

The purpose of the Demolition Delay Bylaw is to preserve and protect historically significant buildings and structures over 75 years of age from demolition. A demolition delay of up to twelve months may be imposed. If you plan to demolish a building that is over 75 years old, it is recommended that you contact the Historical Commission as early as possible to avoid project delays. Demolition permit applications are submitted to the Inspector of Buildings, who forwards a copy to the Historical Commission for review.

Historic District Certificate of Appropriateness

Projects located within the Chelmsford Center Historic District are subject to the standards for rehabilitation and construction in order to preserve and protect the distinctive characteristics of buildings. An application for a Certificate of Appropriateness is required to be submitted to the Historic District Commission.

Scenic Roads

To protect the scenic quality and character of the Town roads designated as Scenic Roads by establishing rules and regulations governing local administration of the Scenic Road Act, M.G.L, c, 40, s. 15C. The Scenic Road Act governs the cutting or removal of trees or the tearing down or destruction of stone walls during the repair, maintenance, reconstruction, paving, or other alteration of roads that have been designated as a scenic road by the Town. The local authority and jurisdiction of the Planning Board is governed by the Scenic Road Act.

If a project is located on sections of Byam Road, Garrison Road, Crooked Spring Road, High Street, or Parker Road, or on any part of Worthen Street, Crosby Lane, Robin Hill Road, or Mill Road, a Scenic Road Approval from the Planning Board is required for several types of development activities.

Related State of Massachusetts Permits

Additional information regarding common state permits is located in Appendix A.

Curb Cut Permit – A State Highway Access Permit is required from the Massachusetts Department of Transportation for new or altered driveways on any State roadway.

Massachusetts Environmental Policy Act (MEPA) - Requires the submission of an Environmental Notification Form (ENF) and/or an Environmental Impact Report (EIR) for “works, projects and activities” undertaken, funded or requiring a permit from state agencies if the project exceeds specified thresholds.

401 Water Quality Certification - Required by the Massachusetts Department of Environmental Protection for any project that will alter over 5,000 square feet of wetlands and/or the dredging of more than 100 cubic yards of Land Under Water as defined in the Massachusetts Wetlands Protection Act.

Massachusetts Endangered Species Act (MESA) - Requires filing with the Natural Heritage and Endangered Species Program (NHESP) if a project falls within Priority Habitat of Rare Species, as shown on the Massachusetts Natural Heritage Atlas, and does not meet the MESA filing exemptions.

Related Federal Government Permits

Additional information regarding common federal permits is located in Appendix A

Section 404 of the Federal Clean Water Act – A permit is required from the Army Corps of Engineers (Corps) for work affecting the “course, location, condition or capacity” of navigable rivers and tidal areas.

Stormwater – The National Pollutant Discharge Elimination System (NPDES) stormwater program requires permits for discharges from construction activities that disturb one or more acres, and discharges from smaller sites that are part of a larger common plan of development or sale.

PERMIT MATRIX

The Permit Matrix beginning on the following page lists the most common land development and building permits and offers a quick reference guide that can assist you in determining what may be required. Although this is not a complete list of permits issued by the Town, your contact with the Town staff can help ensure that all the permits you need have been identified. The timeframes listed on the matrix are approximate and are typically based on state law that cannot be altered by a local board or commission.

Please note that timeframes are based on the date of application submission, including those in the "Time Until Decision" column in the Permit Matrix, which begin upon the submission of a complete application. Submission of an application that is missing attachments or any other requirements does not "start the clock" for timeframes or deadlines. Checklists of items that constitute complete Site Plans, Special Permit applications, Subdivision applications, and Zoning Board of Appeals applications are attached as Appendices C, D and E.

As noted above, this guide, including the "Time Until Decision" column, is for general guidance only and does not carry legal authority. Larger projects and those involving greater degrees of complexity will often require longer periods of time for review and decision-making.

Table 1: Permit Matrix and Timeframes

PERMIT MATRIX <small>Developed by NMCOG</small>	Planning Board	Zoning Board of Appeals	Board of Health	Conservation Commission	Building Inspector	Water District	D.P.W. Sewer Division	D.P.W. Highway Division	Fire Department	Historical Commission	Historic District Commission	TIME UNTIL PUBLIC HEARING	TIME UNTIL DECISION
	ZONING												
Site Plan Review	X											Usually within one month	90 days
Special Permit	X	X										Within 65 days	Within 90 days from close of hearing
Variance (Zoning)		X										Within 65 days	100 days from filing of petition
WETLANDS													
Notice of Intent (NOI)–Wetlands				X								21 days	21 days
Request for Determination of Applicability (RDA) – Wetlands				X								21 days	21 days
SUBDIVISION													
Preliminary Subdivision Plan	X											Usually within one month	45 Days
Definitive Subdivision Plan	X											Usually within one month	90 days (135 days if no Preliminary Plan is submitted)
Form A - Approval Not Required	X											N/A	21 days after regular Planning Board meeting
BUILDING													
Building Permit					X							N/A	Within 30 days of filing all required documentation
Plumbing / Gas Permit					X							N/A	Typically within 3 days
Electrical Permit					X							N/A	Typically within 3 days
Sign Permit					X							N/A	Within 30 days of filing all required documentation
Certificate of Occupancy					X							N/A	Within 30 days of filing all required documentation
Demolition Permit					X								
INFRASTRUCTURE & UTILITIES													
Sewer/Water Connection						X	X					N/A	Varies
Road Opening Permit								X				N/A	Varies
Trench Permit								X				N/A	Varies
HEALTH & SAFETY													
Food Retailers			X									N/A	Varies
Commercial Kitchen			X									N/A	Varies
Well Installation Permit			X									N/A	Varies

PERMIT MATRIX <small>Developed by NMCOG</small>	Planning Board	Zoning Board of Appeals	Board of Health	Conservation Commission	Building Inspector	Water District	D.P.W. Sewer Division	D.P.W. Highway Division	Fire Department	Historical Commission	Historic District Commission	TIME UNTIL PUBLIC HEARING	TIME UNTIL DECISION
Swimming pools (public / semi-public)			X									N/A	Varies
Oil Burner Installation									X			N/A	Varies
FIRE													
Smoke/CO Detectors									X			N/A	Typically within 7 days
Fire Dept. Connections/Systems									X			N/A	Varies
Blasting permit									X			N/A	Varies
Fuel Storage permit									X			N/A	Varies
RELATED – LOCAL													
Demolition Delay for buildings aged 75 years or more										X		Within 67 days of filing demolition application	30 days after the close of hearing
Historic District Certificate of Appropriateness											X	Submit application at least 2 weeks prior to regular meeting	Within 45 days
Scenic Road Permit	X											Within 30 days	21 days from close of hearing
Comprehensive Permit		X										Within 30 days	40 days from close of hearing

NOTES:

1. Some statutory timeframes may be extended with the consent of the applicant; e.g. the hearing on a Notice of Intent application in front of the Conservation Commission.
2. Not all permits are listed and some permits may require multiple approvals; e.g. a subdivision may require Planning Board, Conservation, Board of Health and DPW approvals.
3. The type of use requested will determine if the Planning Board, the Zoning Board of Appeals or both is/are the Special Permit Granting Authority (SPGA).
4. Many permit applications must go through a public meeting and/or public hearing and there are very strict regulations and laws concerning notifications. Any final decision may be appealed to Superior Court in accordance with the provisions of c. 40A of the Massachusetts General Laws (M.G.L.). These times do not include the appeal period.

IV. DETERMINING THE REQUIRED PERMITS FOR A DEVELOPMENT PROJECT

Depending upon the specific characteristics of the project and the site, such as use, location, scale and wetlands, a simple project may require only a building permit while a more complex project may require several different types of permits. The following list of questions will be helpful to discuss with the Community Development Director to determine the types of permits required for a development proposal.

1. Which sections of the Zoning Bylaw apply?

- a. In which zoning district is the project located?
- b. Is the project allowed by-right or does it require a special permit, variance or zoning change?
- c. Is the project located within a special overlay district?
- d. Does the project require site plan approval?
- e. What dimensional, parking, landscaping, signage or other site design criteria apply to the project?

2. Does the Massachusetts Wetlands Protection Act or Chelmsford Wetlands Bylaw apply?

- a. Is the project located in or within 100 feet of a stream bank, bordering vegetated wetland, land under water, stream or water body, or land subject to flooding?
- b. Is the project located within 200 feet of any stream, river, creek or brook that runs year round?

3. Do the Chelmsford Subdivision Regulations apply?

- a. Are any new lots or roads being created?
- b. Are any existing property boundaries being changed?

4. Are there other uses of the site that may require related development permits?

- a. Is the project located in a Historic District?
- b. Does the project involve any demolition of a structure more than 75 years old?
- c. Is the project connected to Town sewer?
- d. Is the project connected to a Water District system?
- e. Is the project located on a state highway or will it have access onto a state highway?
- f. Is the project located on a designated scenic road?
- g. Will hazardous materials be stored or used on the site?
- h. Will the project trigger any of the Massachusetts Environmental Protection Act (MEPA) thresholds?
- i. Is the project located within an Estimated or Priority Habitat of Rare Species?

V. THE PERMIT PROCESS

The following is a chronological step-by-step explanation of the permit process:

1. Schedule a pre-application meeting with the Community Development Director (2 weeks)

- Identify local, state and federal permits that will be required.
- If appropriate, meet with the Inter-Departmental Technical Review Committee to discuss details of the project.

2. Submit applications to the appropriate Town Board(s) (4 weeks)

Forms and Permit Applications for the Planning Board, Zoning Board, Conservation Commission, and Subdivisions can be found on the Town's website at:

<http://www.chelmsfordma.gov/145/Forms-Applications>

Permit Fees - There are specific fees required for the local permits you must obtain. Each office has its own fee schedule and will provide you with the amount of the fee based upon your project. Appendix B includes fees for some of the more common permits, but should not be considered a complete list.

Careful attention to detail should be taken to ensure that applications are properly completed and that all supporting documentation and plans comply with the specific requirements of each particular permit granting authority.

- Submit completed application forms
- Submit appropriate filing fees – see Appendix B for a fee schedule
- Submit appropriate number of copies of all plans and supporting documentation
- Public hearings will be scheduled
- Plan for costs associated with public hearings
 - Costs for legal advertisement – most permit issuing authorities coordinate this on behalf of applicant
 - Abutter Notifications - check with the permit granting authority to find out if applicant is responsible for mailing. Abutters lists shall be certified by the Assessor's Office and are to be requested, by the applicant, from the Assessor's Office. For a fee, the abutters list will be provided with mailing labels.
- Permit granting authority will distribute applications to Town Boards and Departments for technical review and comment.
- Permit granting authority will forward comments to project contact.

3. Attend the public hearing to present the proposed project (4-6 weeks)

- Conservation Commission
- Planning Board
- Zoning Board of Appeals
- Historic District
- Historical Commission

- Select Board

The project proponent will be asked to present the proposed project. The permit issuing authority will offer comments, ask questions, and may request additional information. The public will be provided an opportunity to submit testimony and/or evidence. Actions for subsequent meetings will be identified.

Public hearings are often continued for purposes of conducting a site visit, providing additional information and submitting revised plans.

4. Permit granting authority issues decision (2-3 weeks)

The permit will be generated by the issuing authority and issued through the appropriate Town department. The permit may need to be submitted to the Town Clerk as part of their issuance. Applicants or their representatives are notified as soon as the permit becomes available.

5. Record permits at the Registry of Deeds & Provide Copies (2-4 weeks)

After expiration of the applicable appeal period, the following permits must be recorded.

- Special Permits and Variances
- ANR's and Definitive Subdivision Plans
- Orders of Conditions

Once the decision is filed with the Town Clerk, there is an appeal period during which the decision can be appealed. However, once the appeal period expires, the applicant can obtain a Certificate of No Appeal from the Town Clerk. The applicant must then file the decision and the Certificate of No Appeal at the Middlesex County North Registry of Deeds in Lowell. Under Massachusetts General Law, special permits and variances do not legally take effect until recorded. Proof of recordation, via copies of recorded decisions AND plans must be provided to the applicable Town offices prior to commencing work or obtaining a building permit.

6. Apply for all other development related permits, approvals and licenses (4 weeks)

- Town Clerk – E-911 address application
- Department of Public Works
- Board of Health
- Fire Department
- Select Board
- State & Federal* (likely to take significantly longer than 4 weeks)

7. Apply to the Building Inspector for a Building Permit (2-4 weeks)

Prior to submitting a building permit application all necessary “approval” authorities must sign off on the application. The routing of this application for the required sign-offs is the responsibility of the applicant. Once all approvals have been obtained from the applicable authorities, return the completed application to the Building Department. It is at this point that the 30-day period for issuance of a building permit commences.

The **Building Permit** is the last permit you receive before starting construction. All other permits must be in place at that time. All applications for Building Permits must be submitted online, as outlined below in the additional information about the online application process.

Before issuing a building permit, the Building Inspector conducts a final check on zoning compliance, reviews your building and construction plans for compliance with the Massachusetts Building Code, and evaluates compliance with Town requirements through the permits that have been issued. Additional permits, including **electrical, plumbing, and gas permits**, are also issued by the Building Inspector Department. After construction or modifications have taken place, a Conformance Review is performed and a **Certificate of Occupancy** is issued.

ONLINE BUILDING PERMIT SYSTEM – Please note, all Building Permit applications are submitted online at the Town’s Online Permit Center on the Town’s website. Read the instructions and then click on the “Online Permits” link at:
<http://www.chelmsfordma.gov/664/Online-Permits>

8. Schedule the required inspections prior to and during construction

- Wetlands
- Drainage / stormwater
- Construction (including but not limited to footing inspection, foundation inspection, rough inspection, insulation inspection, final inspection and special inspections)
- Electric
- Gas
- Plumbing
- Elevators

9. Upon completion of construction

- Prepare final as-builts and letter of certification from project engineer
- Confirm compliance with all applicable conditions of approval
- Schedule final inspections
 - Building Inspector
 - Fire Prevention

- Community Development
- Conservation Commission (if applicable)

* 100% of the approved site improvements, with the exceptions of landscaping and final paving and curbing, shall be completed prior to occupancy; otherwise a performance bond may be required by the permit granting authority.

10. Apply to the Building Inspector for an Occupancy Permit

Prior to submitting an occupancy permit application all necessary "approval" authorities must sign off on the application. The routing of this application for the required sign-offs is the responsibility of the applicant. Once all approvals have been obtained from the applicable authorities, return the completed application to the Building Department.

11. New businesses need to file a Business Certificate with the Town Clerk's Office

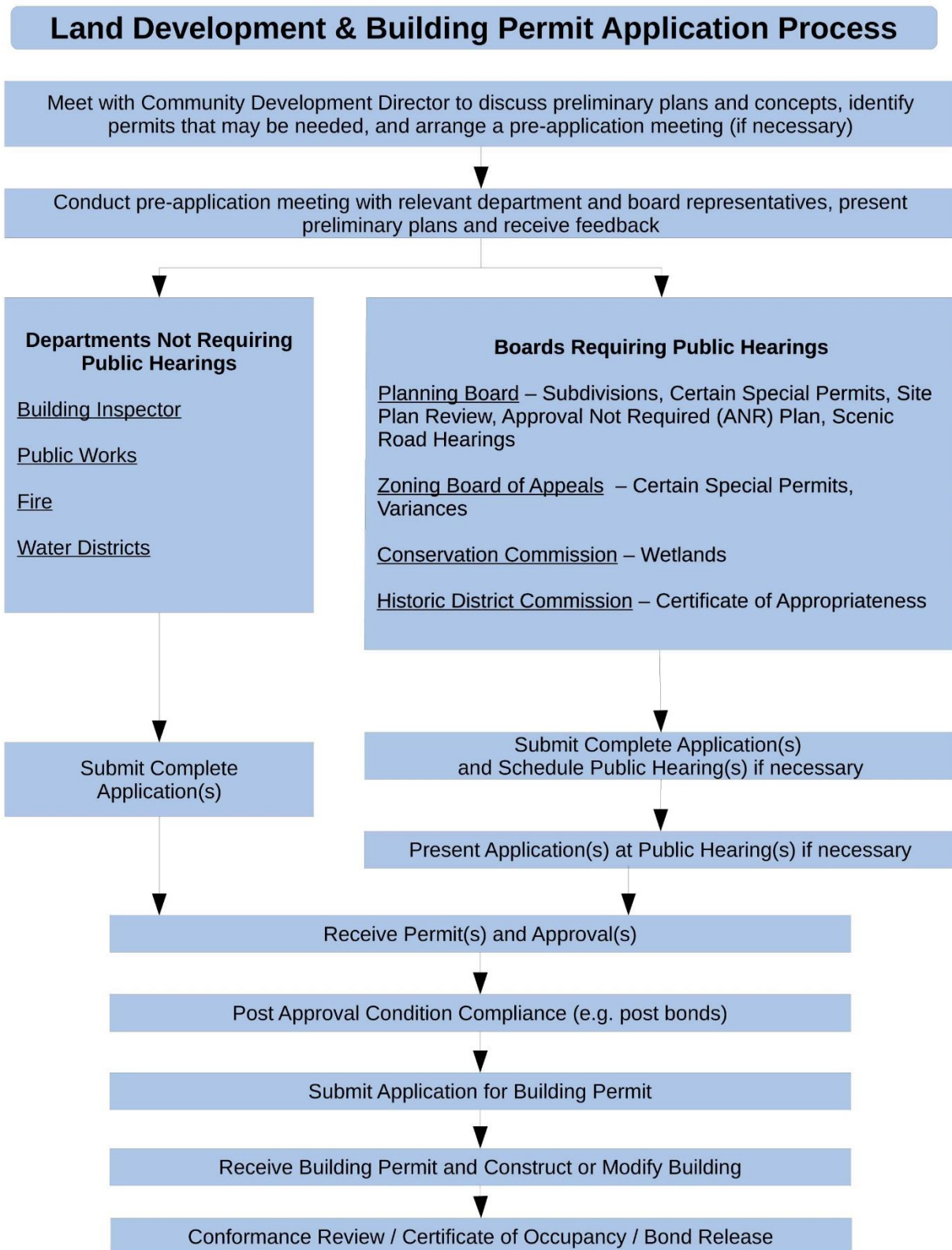
A frequent oversight of many business owners make is that they receive all permits they need from various town departments to allow their business to open and operate but never file a Business Certificate with the Town Clerk. See Section I for more about Business Certificates (commonly referred to as a "d/b/a/ form" or "Doing Business As" form).

12. Post Occupancy

- Apply to the Conservation Commission for a Certificate of Compliance for projects involving wetlands (ensure that all conditions of the permit have been met and that the site is fully stabilized with vegetation).
- If applicable, request release of performance bond upon complete of landscaping and paving improvements.

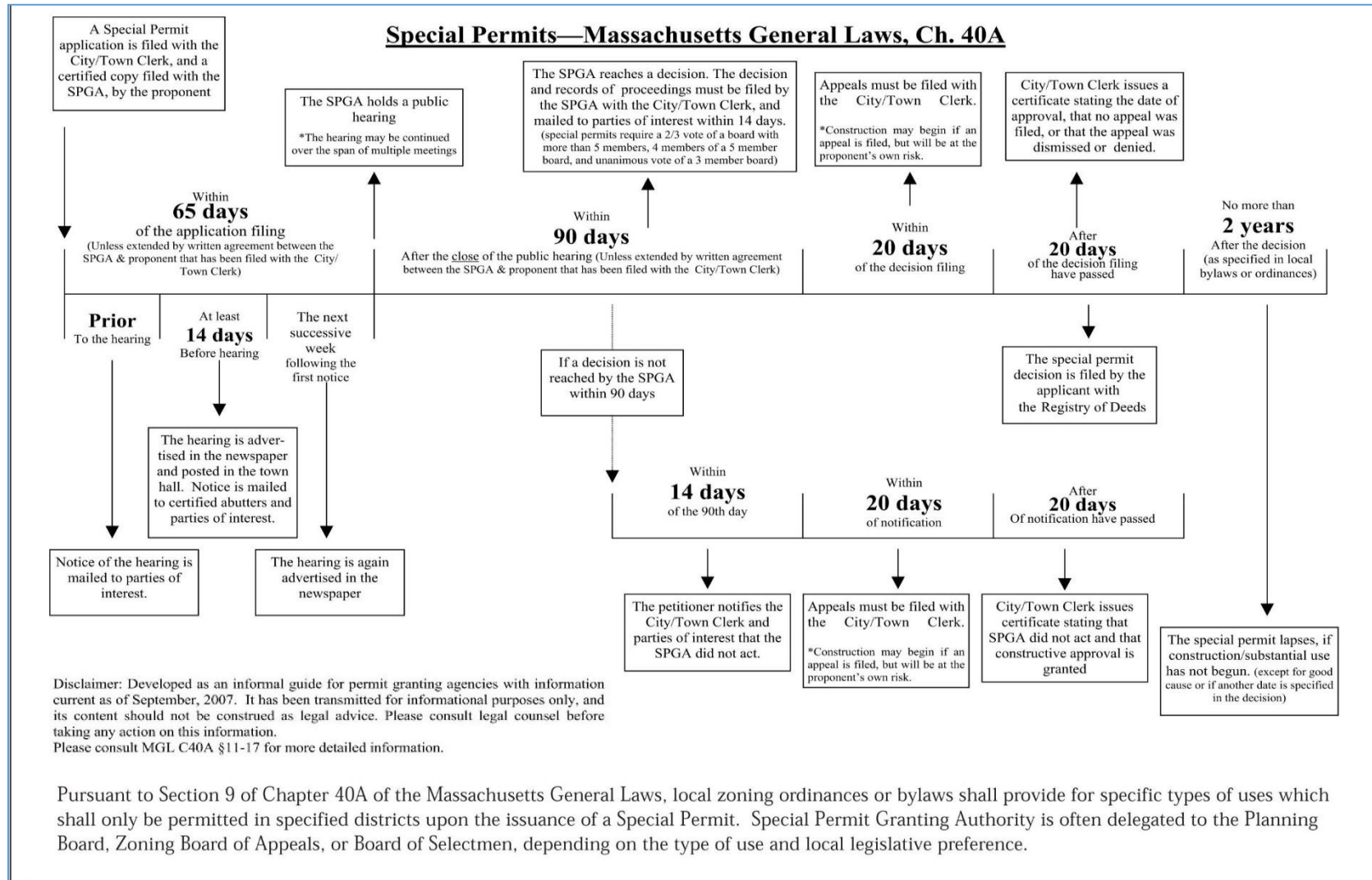
An outline of the land development and building permit process is illustrated in the following flowchart.

Figure 1: Permitting Process Flow Chart



NOTE: Applications may be submitted to multiple commissions/boards and the review staff at the same time.

Figure 2: Special Permit Timeline



III. PUBLIC HEARING PROCEDURE

Some permits and approvals require a public hearing before the permit or approval can be granted. The purpose of the public hearing is to provide citizens, particularly neighbors and abutters, with a forum to comment on your project.

The Permit Granting Authority (i.e. the board or committee granting the permit) will schedule the hearing within a specific timeframe after receiving your application and will place the required notices in the local newspaper, giving the date, time, location, and purpose of the hearing. Public hearing notices are also posted with the Town Clerk.

You or your representative must attend the hearing to present the application and state the reason(s) why the permit or approval should be granted. After your presentation, Board members will offer their comments and questions. The Board Chairman will solicit comments from the abutters and other members of the public. Any citizen may speak in person, or through an agent or attorney, at any hearing. When all persons wishing to be heard have spoken, you will be given the opportunity to address any issues raised. The Board Chairman will then either close the hearing or set a closing date for the hearing, and the Board or Commission will take the matter under advisement.

IV. DEPARTMENT CONTACTS & MEETING SCHEDULES

The contact information for departments, boards and commissions responsible for issuing common permits is below. A complete list of Chelmsford departments and contact information available at www.chelmsfordma.gov

All public hearing notices are posted in the Town Clerk's office, as well as a listing of regularly scheduled and special meetings of all boards and commissions. Public hearings and regular and special meetings of boards and commissions are also available on the Chelmsford meeting calendar on the Town website at www.chelmsfordma.gov/calendar.aspx

Initial Points-Of-Contact

As discussed above, your first stop and initial point-of-contact depends on if you require business permits or construction and land development permits. For business permits the initial point-of-contact is the Director of Business Development, while the initial point-of-contact for building permits and land development is the Director of Community Development.

As soon as you know the location and approximate size of your development project, you should arrange a preliminary meeting with the point(s)-of-contact. Town staff in these offices will assist in identifying which permits are needed, which departments are responsible for issuing the permits, the timeframes involved, the approximate permit fees, and other pertinent information that will help maximize the likelihood of a successful outcome.

BOARD OF ASSESSORS OFFICE

50 Billerica Rd., Chelmsford, MA 01824; Phone: 978-250-5220; Fax: 978-250-5223
Frank T. Reen, Chief Assessor, freen@chelmsfordma.gov

Office Hours: Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.
Tuesday, 8:30 a.m. to 7:00 p.m.
Friday, 8:30 a.m. to 1:00 p.m.

Abutters Lists: Various boards require a certified abutters list as a part of the application to appear before a board or commission for a hearing. Certified abutter lists can be obtained from the Assessor's office.

Functions: The Board of Assessors is responsible for the full and fair market valuation of real and personal property for the purposes of levying the property tax as of January 1st every year.

New businesses can speak with the Assessor's to find out if their business is subject to personal property tax. This tax would be as of January 1st annually.

New construction projects are assessed as of each June 30th. Based upon adequate data the Assessor can often provide an estimate of the taxes a project might incur.

SELECT BOARD

50 Billerica Rd., Chelmsford, MA 01824; Phone: 978-250-5201; Fax: 978-250-5252
Paul Cohen, Town Manager, pcohen@chelmsfordma.gov

Office Hours: Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.
Tuesday, 8:30 a.m. to 7:00 p.m.
Friday, 8:30 a.m. to 1:00 p.m.

Functions: The powers and duties of the Select Board include appointing the Town Manager, issuing certain licenses and permits, enforcing certain sections of the Town Bylaws, and regulating the public ways. In most cases, the Board will not issue licenses/permits until such time as various Town Departments have reviewed an applicant's petition.

BUILDING INSPECTOR

50 Billerica Rd., Room LL02, Chelmsford, MA 01824

Phone: 978-250-5225 and Cell: TBD

Jose Negron, Building Commissioner, jnegron@chelmsfordma.gov

Office Hours: Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.
Tuesday, 8:30 a.m. to 7:00 p.m.
Friday, 8:30 a.m. to 1:00 p.m.

<u>Building Commissioner In-Office Hours:</u>	Monday - Friday, 8:30 - 10:00 a.m.
<u>Local Inspector In-Office Hours:</u>	Monday - Friday, 8:30 - 10:00 a.m.
<u>Electrical Inspector In-Office Hours:</u>	Monday - Friday, 8:30 - 9:30 a.m.
<u>Plumbing & Gas Inspector In-Office Hours:</u>	Monday - Friday, 8:30 - 9:30 a.m.

Functions: The Building Inspector issues permits for new buildings and renovations, electrical, plumbing and gas, and business signs. The staff enforce state building, plumbing, gas, and electrical codes. The Building Inspector also serves as the Zoning Enforcement Officer and determines what is required pursuant to the Zoning Bylaw, as well as the boundaries of the Zoning Districts.

The Building Inspector will direct you in obtaining Site Plan approval and certain Special Permits from the Planning Board, as well as Variances and certain Special Permits, including Floodplain Special Permits, from the Zoning Board of Appeals.

DIRECTOR OF BUSINESS DEVELOPMENT

50 Billerica Rd., 2nd Floor, Rm 206 Chelmsford, MA 01824 Direct: (978) 244-3303

Lisa Marrone, Director of Business Development, lmarrone@chelmsfordma.gov

Office Hours: Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.
Tuesday, 8:30 a.m. to 7:00 p.m.
Friday, 8:30 a.m. to 1:00 p.m.

Functions: The Director of Business Development is the point-of-contact for businesses interested in opening or expanding in Chelmsford. The Director assists businesses to navigate the permitting process and identify opportunities within the Town.

COMMUNITY DEVELOPMENT OFFICE

50 Billerica Rd., Room LL05, Chelmsford, MA 01824; Phone: 978-250-5231

Evan Belansky, Community Development Director, ebelansky@chelmsfordma.gov

Office Hours: Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.
Tuesday, 8:30 a.m. to 7:00 p.m.
Friday, 8:30 a.m. to 1:00 p.m.

Functions: The Community Development Director is the first point-of-contact for land development and permitting applications. The Director also provides administrative and

technical support to the Conservation Commission, Planning Board, Zoning Board of Appeals, Community Preservation Committee, Housing Advisory Board, and a variety of temporary committees.

CONSERVATION COMMISSION

50 Billerica Rd., Room LL05, Chelmsford, MA 01824; Phone: 978-250-5248
Katharine Messer, Conservation Agent, kmesser@chelmsfordma.gov

Office Hours: Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.
Tuesday, 8:30 a.m. to 7:00 p.m.
Friday, 8:30 a.m. to 1:00 p.m.

Meeting Schedule: First and third Tuesday of the month in Room 205 of the Town Offices at 7:00p.m., unless otherwise noted.

Functions: The Conservation Commission administers and enforces the State Wetlands Protection Act (M.G.L. c.131, §40) and its applicable State Regulations (310 CMR 10.00) at the local level. They also administer and enforce the town's local wetlands regulations, copies of which can be obtained at the Conservation Office, the Town Clerk's office, or at www.chelmsfordma.gov/276/Conservation-Commission.

In general, the Commission has jurisdiction over rivers, streams, floodplains, lakes, ponds, wetlands, and intermittent streams, or that are within 100 feet of such a resource. It is important to remember that the Commission's jurisdiction often extends across property lines. This means that development activities are subject to review and approval even if the relevant wetlands, floodplains or rivers are on neighboring properties.

Applicants who are not sure if their project is subject to the Wetlands Protection Act and/or within the jurisdiction of the local Conservation Commission should submit a Request for Determination of Applicability to the Commission. A Notice of Intent is filed when the applicant is planning a project that is known to be subject to the Wetlands Protection Act and/or the local Conservation Commission.

FIRE DEPARTMENT

Fire Prevention Office, 50 Billerica Rd., Chelmsford MA 01824; Phone: 978-251-5265
Gary Ryan, Chief, gryan@chelmsfordma.gov

Fire Prevention Office Hours: Monday through Friday, 8:00 a.m. to 4:00 p.m.

Functions: The Fire Department reviews and approves all plans submitted for building permits under the State Building Code (780 CMR) including, but not limited to, the following items: access for firefighting apparatus and rescue vehicles, sprinkler systems and related equipment, and fire alarm systems design and location. In addition, the Fire Prevention Office issues permits for oil burners and oil storage, installation and removal

of burners, propane installation, new cylinder exchange, and master box connections, and inspects carbon monoxide detectors and smoke detectors.

HEALTH DEPARTMENT/BOARD OF HEALTH

50 Billerica Rd., Room 102, Chelmsford, MA 01824; Phone: 978-250-5241; Fax: 978-250-5244

Susan M. Rosa, Public Health Director, srosa@chelmsfordma.gov

Office Hours: Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.
Tuesday, 8:30 a.m. to 7:00 p.m.
Friday, 8:30 a.m. to 1:00 p.m.

Meeting Schedule: Usually the first Monday of the month in Room 102 of the Town Offices at 6:15p.m., unless otherwise noted.

Functions: The Board of Health enforces the state and local health and environmental codes. Permits may be required specifically for your type of business, such as a permit for food preparation and restaurant operation. Check with the Health Department. Copies of the local health regulations can be obtained from the Chelmsford Health Department. Applications for Board of Health Licenses and Permits can be found at the Health Department's website here: <http://www.chelmsfordma.gov/156/Health-Department>

HISTORIC DISTRICT COMMISSION

50 Billerica Rd., Room LL05, Chelmsford, MA 01824; Phone: 978-250-5231

Colleen Stansfield, Department Assistant, cstansfield@chelmsfordma.gov

Meeting Schedule: First Monday of the month in the Town Offices at 7:00 p.m., unless otherwise noted.

Functions: The Chelmsford Center Historic District is the Town's only historic district. Projects located within the historic district are referred to the Historic District Commission for review and comment. New construction and exterior changes to existing buildings are subject to regulations designed to preserve the historic and architectural integrity of the districts. Most exterior work requires a Certificate of Appropriateness from the Historic District Commission, though a Certificate is not required for work on a) color or paint; b) color of materials used on roofs c) reconstruction of a building, structure or architectural feature under specific circumstances; and d) storm doors, storm windows, screen doors, and screen windows. The Historic District Commission is independent of the Chelmsford Historical Commission.

HISTORICAL COMMISSION

50 Billerica Rd., Room LL05, Chelmsford, MA 01824; Phone: 978-250-5231

Colleen Stansfield, Department Assistant, cstansfield@chelmsfordma.gov

Meeting Schedule: Second Tuesday of the month in the Town Offices at 7:30 p.m., unless otherwise noted.

Functions: Town Bylaws require that the Historical Commission sign off on all demolition applications for buildings over 75 years old. If you plan to demolish a building that is over 75 years old, it is recommended that you contact the Historical Commission as early as possible to avoid project delays. Demolition permit applications are submitted to the Inspector of Buildings, who forwards a copy to the Historical Commission for review.

PLANNING BOARD

50 Billerica Rd., Room LL05, Chelmsford, MA 01824; Phone: 978-250-5231

Evan Belansky, Community Development Director, ebelansky@chelmsfordma.gov

Colleen Stansfield, Department Assistant, cstansfield@chelmsfordma.gov

Office Hours: Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.
Tuesday, 8:30 a.m. to 7:00 p.m.
Friday, 8:30 a.m. to 1:00 p.m.

Meeting Schedule: Second and fourth Wednesday of each month in Room 204 of the Town Offices at 7:00 p.m., unless otherwise noted.

Functions: The Planning Board reviews Site Plans and certain Special Permit applications for commercial, industrial, and residential development in accordance with the Massachusetts Zoning Act, the Chelmsford Zoning Bylaw and the Planning Board rules and regulations. The Board also reviews subdivisions in accordance with the Massachusetts Subdivision Control Law and the Chelmsford subdivision rules and regulations.

During the review process, your plans will be reviewed by several boards and departments for specifics related to site layout, building design, parking layout, landscape design, drainage, traffic mitigation and other impacts. The Town departments will provide comments to the Planning Board, who will make a final decision on the submitted plan.

If your project divides the land into additional lots or parcels and requires the construction of new streets, you must get Subdivision Approval from the Planning Board. If you do not have to build a new street, and you have the required frontage on a public street, the Planning Board may sign a subdivision "Approval Not Required" Plan at one of their regularly scheduled meetings.

Scenic Roads - If a project is located on sections of Byam Road, Garrison Road, Crooked Spring Road, High Street, or Parker Road, or on any part of Worthen Street, Crosby Lane, Robin Hill Road, or Mill Road, a Scenic Road Approval from the Planning Board is required for several types of development activities.

POLICE DEPARTMENT

2 Olde North Rd., Chelmsford, MA 01824; Phone: 978-256-2521; Fax: 978-256-6872
James Spinney, Police Chief, jspinney@chelmsfordma.gov

Functions: The Police Department reviews development proposals for public safety issues and traffic concerns and will provide input to permit granting authorities on these and other issues that can impact public safety.

DEPARTMENT OF PUBLIC WORKS

9 Alpha Rd., Chelmsford, MA 01824; Phone: 978-250-5228; Fax: 978-250-2416
Gary Persichetti, Director, gpersichetti@chelmsfordma.gov

Office Hours: Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.
Tuesday, 8:30 a.m. to 7:00 p.m.
Friday, 8:30 a.m. to 1:00 p.m.

The primary responsibility of the Department of Public Works (DPW) is to maintain public roadways, public buildings, public parks and public sewer lines, as well as conduct and oversee infrastructure improvement projects. As summarized below, there are three independent water districts in Town that are not part of the DPW.

Work within a public way controlled or maintained by the Town, such as connections to sewer utilities, curb-cuts for driveways, tree removal, storm drainage construction and any required street improvements, is subject to obtaining a permit from the Town. All connections to Town utilities are subject to rules and regulations promulgated by the Town. In many cases, a cash bond is required to secure completion of the work.

WATER DISTRICTS

There are three independent water districts in Town that are not part of the Department of Public Works. For water service support, please contact your water service provider directly.

Water District Contact Information:

- **Chelmsford Center Water District:** www.chelmsfordwater.com
Phone: 978-256-2381
- **East Chelmsford Water District:** www.eastchelmsfordwater.com
Phone: 978-453-0121
- **North Chelmsford Water District:** www.northchelmsfordwater.com
Phone: 978-251-3931

TOWN CLERK

50 Billerica Rd., Room 106, Chelmsford, MA 01824; Phone: 978-250-5205
Patricia Dzuris, Town Clerk, townclerk@chelmsfordma.gov

Office Hours: Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.
Tuesday, 8:30 a.m. to 7:00 p.m.
Friday, 8:30 a.m. to 1:00 p.m.

Functions: Resource for Town regulations and bylaws, including zoning bylaws, zoning maps and floodplain maps. For some permit applications, such as those for the Zoning Board of Appeals, the Town Clerk's Office is the legal filing location.

Administers the E-911 new address application and approval process and issues Business Certificates and Physicians Certificates.

TOWN MANAGER

50 Billerica Rd., Chelmsford, MA 01824; Phone: 978-250-5201; Fax: 978-250-5252
Paul Cohen, Town Manager, pcohen@chelmsfordma.gov

Office Hours: Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.
Tuesday, 8:30 a.m. to 7:00 p.m.
Friday, 8:30 a.m. to 1:00 p.m.

Functions: The Town Manager directs the administration of Departments, as well as various Boards and Commissions, and advises and recommends actions related to the needs of the Town.

WEIGHTS AND MEASURES

Northern Middlesex Council of Governments
40 Church St., Suite 200, Lowell, MA 01852; Phone: 978-454-8021; Fax: 978-454-8023
Moe Lefebvre, Weights & Measures Inspector, mlefebvre@nmcog.org

Office Hours: Monday through Friday, 8:30 a.m. to 4:30 p.m.

Functions: The Northern Middlesex Council of Governments (NMCOG) conducts inspections for Weights and Measures in Chelmsford. A Weights and Measures seal may be required for weighing and measuring devices (scales, pumps and meters) if you are selling items based on unit of measurement (weight, volume, length or time). In addition, if you will have three or more cash registers, you may need your price scanners verified.

ZONING BOARD OF APPEALS

50 Billerica Rd., Room LL05, Chelmsford, MA 01824; Phone: 978-250-5231

Evan Belansky, Community Development Director, ebelansky@chelmsfordma.gov

Colleen Stansfield, Department Assistant, cstansfield@chelmsfordma.gov

Office Hours: Monday / Wednesday / Thursday, 8:30 a.m. to 4:00 p.m.
Tuesday, 8:30 a.m. to 7:00 p.m.
Friday, 8:30 a.m. to 1:00 p.m.

Meeting Schedule: First Thursday of each month in Room 204 of the Town Offices at 7:00p.m., unless otherwise noted.

Functions: The Zoning Board of Appeals is responsible for variances, certain Special Permits, and Comprehensive Permits. Variances are departures from the Zoning Bylaw, such as a setback or building height not otherwise permitted in that zoning district, that may be granted in very narrowly defined circumstances. The Zoning Bylaw sets stringent conditions for these variances, allowing them only in cases of unusual hardship due to unique circumstances related to the land. You should not request a variance unless you and your legal counsel have determined that your situation satisfies the legal criteria.

Appendix A: Federal and State Permits and Approvals

Many development projects require state and/or federal permits to be approved prior to construction. The following list of federal and state permits was developed in conjunction with the Permitting Guide. The list is by no means exhaustive, and if there are any questions, you are encouraged to seek legal counsel. Chelmsford Town staff can also help you to identify federal and state requirements for your project and help you contact the appropriate agency, but it is your responsibility to ensure compliance with these requirements. The majority of small development projects will not need any federal or state permits or approvals. Larger and more complex projects require the applicant to be conscious of the applicability following federal and state permits.

FEDERAL PERMITS

1. **National Environmental Policy Act (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.
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 financial institutions 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 (EPA) 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 Massachusetts 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 (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 typically pretreatment requirements for industrial users, which must be coordinated with the permitting and requirements of the relevant 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 by the project are hazardous, depending on the types of quantities generated; contact the Town 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 Department of Transportation 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.

Copies of the state codes, applications and instructions can be obtained from the Statehouse Bookstore or from the individual permit granting department.

Statehouse Bookstore
Statehouse Room 116
Boston, MA 02133
617-727-2834
www.sec.state.ma.us/spr/sprcat/catidx.htm

Appendix B: Fee Schedule and Checklist

Updated: October 2021

	<u>Required</u>	<u>Received</u>	<u>Fees</u>
Building Inspector			
Building Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$15 per \$1,000 of project
Demolition Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$15 per \$1,000 of project cost \$250 minimum fee
Foundation Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$15 per \$1,000 of project
Occupancy Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$150 res. / \$150 comm'l
Wood / Coal / Pellet Stove	<input type="checkbox"/>	<input type="checkbox"/>	\$75
Sign Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$100 to \$175
Grandfather Lot Fee	<input type="checkbox"/>	<input type="checkbox"/>	\$300
Gas - Hot Water Tank	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Gas - Residential Structures	<input type="checkbox"/>	<input type="checkbox"/>	\$75 1st fixture, \$6 each add'l
Gas - Commerical Structures	<input type="checkbox"/>	<input type="checkbox"/>	\$100 1st fixture, \$8 each add'l
Sewer-Related Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Outdoor Irrigation System	<input type="checkbox"/>	<input type="checkbox"/>	\$75
Electrical - New Structures	<input type="checkbox"/>	<input type="checkbox"/>	\$240
Electrical - New Structures: Homeowner's Permit Fee	<input type="checkbox"/>	<input type="checkbox"/>	\$240
Electrical - Existing Structures	<input type="checkbox"/>	<input type="checkbox"/>	\$80 / one inspection only \$150 / two inspections only
Electrical - Existing Structures: Homeowner's Permit Fee	<input type="checkbox"/>	<input type="checkbox"/>	\$160
Electrical - Min. For Residential Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$40
Electrical - Min. For Residential Permit: Homeowner	<input type="checkbox"/>	<input type="checkbox"/>	\$80
Electrical - New Structure Fee	<input type="checkbox"/>	<input type="checkbox"/>	1% of total electrical work
Electrical - Existing Structure	<input type="checkbox"/>	<input type="checkbox"/>	\$80 min., 1% of work > \$10k
Electrical - Yearly Maintenance Permit Fee	<input type="checkbox"/>	<input type="checkbox"/>	\$250
Electrical - Minimum Fee	<input type="checkbox"/>	<input type="checkbox"/>	\$150 / one inspection only
Electrical - Commercial New Structure	<input type="checkbox"/>	<input type="checkbox"/>	2% total cost of electrical work
Electrical - Commercial Existing Structure	<input type="checkbox"/>	<input type="checkbox"/>	2% of electical cost over \$10K \$150 minimum fee
Conservation Commission			
Request for Determination of Applicability (RDA)	<input type="checkbox"/>	<input type="checkbox"/>	\$50 to \$100
Abbreviated Notice of Resource Area Delineation (ANRAD)	<input type="checkbox"/>	<input type="checkbox"/>	Half the total Act fee
Notice of Intent (NOI)	<input type="checkbox"/>	<input type="checkbox"/>	\$55 to \$525
Application Filed After Enforcement Order	<input type="checkbox"/>	<input type="checkbox"/>	Double the total municipal fee
Request for Certificate of Compliance (RCOC)	<input type="checkbox"/>	<input type="checkbox"/>	\$50 to \$150
Request for an Extension Permit (REP)	<input type="checkbox"/>	<input type="checkbox"/>	\$75
Request for True Attest Copy	<input type="checkbox"/>	<input type="checkbox"/>	\$25.00 each
Request for Partial Certificate of Compliance	<input type="checkbox"/>	<input type="checkbox"/>	\$25 to \$125
Fire Department			
Residential Oil Burner & Oil Storage	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Burner Installation Inspection and/or removal	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Propane (10A) New Installation (need Site Plan)	<input type="checkbox"/>	<input type="checkbox"/>	\$50
New Cylinder Exchange	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Tank Truck Inspection (2 Years)	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Tent	<input type="checkbox"/>	<input type="checkbox"/>	\$25
Unvented Space Heaters	<input type="checkbox"/>	<input type="checkbox"/>	\$25
Plan Review: Single Family Dwelling	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Smoke/CO Inspection: Condo Single Per Unit	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Smoke/CO Inspection: Condos / 3 - 6 units	<input type="checkbox"/>	<input type="checkbox"/>	\$150
Smoke/CO Inspection: Condos / 6+ units	<input type="checkbox"/>	<input type="checkbox"/>	\$500
Plan Review: Two Family Dwelling	<input type="checkbox"/>	<input type="checkbox"/>	\$100

Appendix B: Fee Schedule and Checklist

Updated: October 2021

	Required	Received	Fees
Plan Review: Commercial ≤ 25,000 SF	<input type="checkbox"/>	<input type="checkbox"/>	\$100 to \$200
Fire Alarm Plans	<input type="checkbox"/>	<input type="checkbox"/>	\$50 to \$150
Sprinkler Plans	<input type="checkbox"/>	<input type="checkbox"/>	\$50 to \$150
Master Box Connection Fee	<input type="checkbox"/>	<input type="checkbox"/>	\$250
Board of Health			
Bakery	<input type="checkbox"/>	<input type="checkbox"/>	\$135
Camp (Recreational)	<input type="checkbox"/>	<input type="checkbox"/>	new \$200/existing \$150
Catering	<input type="checkbox"/>	<input type="checkbox"/>	\$150
Dumpster	<input type="checkbox"/>	<input type="checkbox"/>	\$30 each
Farmers Market	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Food Establishment	<input type="checkbox"/>	<input type="checkbox"/>	\$175 to \$350
Frozen Dessert	<input type="checkbox"/>	<input type="checkbox"/>	manuf. \$150/soft serve \$75
Lodging House	<input type="checkbox"/>	<input type="checkbox"/>	\$300
Milk & Cream	<input type="checkbox"/>	<input type="checkbox"/>	\$15
Mobile Food Server	<input type="checkbox"/>	<input type="checkbox"/>	\$80/season; \$165/yr
Pumper (Septic)	<input type="checkbox"/>	<input type="checkbox"/>	\$150
Refuse Hauler	<input type="checkbox"/>	<input type="checkbox"/>	\$200 each
Store Retail Food Establishment	<input type="checkbox"/>	<input type="checkbox"/>	\$200 - \$400
Swimming Pool	<input type="checkbox"/>	<input type="checkbox"/>	\$100 - \$200
Tanning Facility	<input type="checkbox"/>	<input type="checkbox"/>	\$175
Tobacco Sales	<input type="checkbox"/>	<input type="checkbox"/>	\$200
Well Installation Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$125
Historic District Commission			
Certificate of Appropriateness	<input type="checkbox"/>	<input type="checkbox"/>	No fee
Certificate of Appropriateness for Signs	<input type="checkbox"/>	<input type="checkbox"/>	No fee
Historical Commission			
Demolition Permit/Delay (filed with Bldg Inspector)	<input type="checkbox"/>	<input type="checkbox"/>	Fee collected by Bldg Inspector
Planning Board			
Preliminary Subdivision Plan	<input type="checkbox"/>	<input type="checkbox"/>	\$200 plus \$50 per lot
Modification to an Approved Preliminary Plan	<input type="checkbox"/>	<input type="checkbox"/>	\$100 plus \$50 per lot affected
Definitive Subdivision Plan	<input type="checkbox"/>	<input type="checkbox"/>	\$100 per lot plus \$2.50 per linear foot of road, \$1000 min
Modification to an Approved Definitive Subdivision	<input type="checkbox"/>	<input type="checkbox"/>	\$200 plus \$100 per lot affected
Paper Street	<input type="checkbox"/>	<input type="checkbox"/>	\$5 per linear foot, \$1000 min
ANR's (adjusting lot lines)	<input type="checkbox"/>	<input type="checkbox"/>	\$100 per lot
ANR's (creating new lots)	<input type="checkbox"/>	<input type="checkbox"/>	\$100 per lot
Bond Estimate / Establish (with lot release)	<input type="checkbox"/>	<input type="checkbox"/>	\$175
Bond Reduction / Release	<input type="checkbox"/>	<input type="checkbox"/>	\$125
Extension of Completion Date	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Lot Release	<input type="checkbox"/>	<input type="checkbox"/>	\$50 per request
Site Plan Approval	<input type="checkbox"/>	<input type="checkbox"/>	\$1,500 to \$10,000
Revised Plans (initiated by applicant)	<input type="checkbox"/>	<input type="checkbox"/>	\$200 to \$400
Minor Modification to an Approved Site Plan	<input type="checkbox"/>	<input type="checkbox"/>	\$500
Major Modification to an Approved Site Plan	<input type="checkbox"/>	<input type="checkbox"/>	\$500
Minor Site Plan	<input type="checkbox"/>	<input type="checkbox"/>	\$500
Administrative Site Plan Approval	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Special Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$500 for 1st, \$250 additional
Modification to an Approved Special Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$500
Site Plan Bond Estimate / Establish	<input type="checkbox"/>	<input type="checkbox"/>	\$175
Site Plan Bond Reduction	<input type="checkbox"/>	<input type="checkbox"/>	\$125

Appendix B: Fee Schedule and Checklist

Updated: October 2021

	<u>Required</u>	<u>Received</u>	<u>Fees</u>
Site Plan Bond Release	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Repetitive Petitions	<input type="checkbox"/>	<input type="checkbox"/>	\$250
Scenic Roads	<input type="checkbox"/>	<input type="checkbox"/>	\$250
Subdivision Public Street Inspection	<input type="checkbox"/>	<input type="checkbox"/>	DPW Street Opening fee
Subdivision Private Street Inspection	<input type="checkbox"/>	<input type="checkbox"/>	\$200
Site Plan Inspection	<input type="checkbox"/>	<input type="checkbox"/>	\$250
Department of Public Works			
Sewer Connection - Residential	<input type="checkbox"/>	<input type="checkbox"/>	\$200
Sewer Connection - Commercial Each Building	<input type="checkbox"/>	<input type="checkbox"/>	\$300
Sewer Capacity Impact	<input type="checkbox"/>	<input type="checkbox"/>	Per Sewer Regulations
Sewer Compensatory Privilege	<input type="checkbox"/>	<input type="checkbox"/>	Per Sewer Regulations
Street Opening	<input type="checkbox"/>	<input type="checkbox"/>	\$5 per linear foot, \$50 minimum
Trench Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Town Clerk			
Business Certificate	<input type="checkbox"/>	<input type="checkbox"/>	\$40
Zoning Bylaws - Booklet	<input type="checkbox"/>	<input type="checkbox"/>	\$20
Zoning Maps	<input type="checkbox"/>	<input type="checkbox"/>	\$5 to \$100, depending on size
Underground Storage Tank Annual Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$50
Zoning Board of Appeals			
Residential Variance	<input type="checkbox"/>	<input type="checkbox"/>	\$100
Residential Special Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$100
Commercial Variance	<input type="checkbox"/>	<input type="checkbox"/>	\$400
Commercial Special Permit	<input type="checkbox"/>	<input type="checkbox"/>	\$400
Home Occupation Special Permits:	<input type="checkbox"/>	<input type="checkbox"/>	\$100
Comprehensive Permit - Housing Authority	<input type="checkbox"/>	<input type="checkbox"/>	\$0
Comprehensive Permit - Others	<input type="checkbox"/>	<input type="checkbox"/>	\$1000 + \$50 per dwelling unit
Administrative Appeals	<input type="checkbox"/>	<input type="checkbox"/>	\$300
Abutter Notification	<input type="checkbox"/>	<input type="checkbox"/>	Varies by Postage
Legal Notice Fee	<input type="checkbox"/>	<input type="checkbox"/>	Varies
Project Review	<input type="checkbox"/>	<input type="checkbox"/>	Varies

Appendix C: Complete Definitive Subdivision Application

CHELMSFORD PLANNING BOARD

DEFINITIVE SUBDIVISION – FORM C

SUBMITTAL REQUIREMENT CHECKLIST (8/08)

An application which lacks information or is incomplete in any manner, may be denied or seriously delayed. It is the responsibility of the applicant to assure the accuracy and completeness of all information submitted. The applicant shall be responsible for factually supporting all points relied upon including references for methodologies used in design calculations.

Application

- 16 copies of application

Abutters List

- Abutters list provided by the Assessors Office
- 3 sets of mailing labels addressed to each abutter on the list (Avery 5160 label size 1” x 2 5/8” – white only)

Fees

- Application fee made payable to the Town of Chelmsford (\$100 per lot plus \$2.50 per linear ft of road or \$1000 minimum)
- Mailing postage for each abutter on the list provided by the Assessors. **U.S. Mail Stamps only.**
 - One **.46** stamp for each abutter notification
 - One **.46** stamp for each decision notification
 - One **\$1.20** Certificate of Mailing postage fee for each abutter decision notification

Plans (SUBMIT FOLDED AND STAPLED, NOT ROLLED)

Full Size (36” x 24”)

- 16 subdivision plans

Reduced Size (11” x 17”)

- 9 subdivision plans

Supporting Documentation

NOTE: Spiral Bound Documents NOT Accepted

Project Narrative

- Description** - 16 copies
- Requested Waivers** - Identify waivers from submittal and design requirements – 16 copies
- Other permits & approvals-** identify and provide copies of all local, state and federal – **1 copy of each**
- Recorded Plans & Deeds** (1 copy of most recent)
- Drainage Calculations** (4 complete and 10 Executive Summary ONLY)
- Earth Removal Calculations** (2 complete and 10 Executive Summary ONLY)

Appendix D: Complete Site Plan & Special Permit Applications

SITE PLAN & SPECIAL PERMIT (March 2017)

SUBMITTAL REQUIREMENT CHECKLIST ***

An application which lacks information or is incomplete in any manner, may be denied or seriously delayed. It is the responsibility of the applicant to assure the accuracy and completeness of all information submitted. The applicant shall be responsible for factually supporting all points relied upon including references for methodologies used in design calculations.

PDF version of all documentation is required at time of submission

Application

NOTE: Spiral Bound Documents Cannot Be Accepted

- 1 copy of application

Abutters List

- Abutters list provided by the Assessors Office

Fees

- Application fee made payable to the Town of Chelmsford (see schedule of fees)
- U.S. Postal Service Stamps** (or current rate) for each abutter on the list provided by the Assessors
 - One **.47** stamp for each abutter notification
 - One **.47** stamp for each decision notification
 - One **\$1.30** Certificate of Mailing in postage for each abutter notification.

Plans **MUST BE FOLDED & STAPLED**

Full Size (36" x 24")

- 2 site plans
- 2 architectural plans (building elevations, floor plans, color renderings)

Reduced Size (11" x 17")

- 8 site plans and architectural plans

Supporting Documentation

Project Narrative

- Use Description** - 1 copy
- Requested Waivers** - Identify waivers from submittal and design requirements – 1 copy
- Other permits & approvals** - identify and provide copies of all local, state and federal –
1 copy of each
- Recorded Plans & Deeds** (1 copy of most recent)
- Drainage Calculations** (2 complete and 10 Executive Summary ONLY)
- Earth Removal Calculations** (2 complete and 10 Executive Summary ONLY)
- Traffic Study** (2 complete and 10 Executive Summary ONLY, if applicable)
- Environmental Protection Standards Affidavit** (1 copy)

Appendix E: Complete Zoning Board of Appeals Applications



Chelmsford Board of Appeals
Town Offices
50 Billerica Road
Chelmsford, MA 01824
Phone 978-250-5231 Fax 978-250-5232

REGULATIONS GOVERNING VARIANCES, SPECIAL PERMITS, AND ADMINISTRATIVE APPEALS

ADOPTED 7/20/00
REVISED 4/10/03

1. GENERAL

Any property owner or party in interest may petition the Board of Appeals for any of the following reasons:

1. To appeal the decision of an administrative officer or Board of the Town, as it pertains to the Chelmsford Zoning Bylaw, Article 195 of the Chelmsford Code.
2. To request a Variance from the Zoning Bylaw.
3. To request a Special Permit as specifically allowed under the Zoning Bylaw.
4. To request a Comprehensive Permit, as allowed under Massachusetts General Laws, Chapter 40B.
5. To hear and decide other actions as allowed by Massachusetts General Laws, Chapter 40A, 40B, 41, or the Town of Chelmsford Zoning Bylaw, Article 195 of the Chelmsford Code.

2. APPLICATION REQUIREMENTS

A. When applying to the Board of Appeals for a Variance, Special Permit, or Administrative Appeal the applicant shall file with the Town Clerk the following:

1. Certified Plot Plan
Sixteen (16) copies of a Certified Plot Plan of the property in question. This plan shall be drawn to scale showing all existing structures, proposed structures and additions, structures on adjacent properties, and any other information pertinent to the application. The Certified Plot Plan shall be signed and stamped by a Land Surveyor licensed to work in Massachusetts. At least one (1) copy of this plan shall bear the original stamp and signature of the licensed surveyor. The Certified Plot Plan shall be drawn on paper no larger than 11" x 17" or on paper folded to 8 ½" X 11" at a scale of 1"= 20' or 1"= 40'. NOTE: Mortgage inspection plans, mortgage survey plans, and plans modified by anyone other than a licensed surveyor are not acceptable and may delay the processing of applications.
2. Assessors Plat
Three (3) copies of the Town of Chelmsford Assessors Map(s) of the area in question. This is available at the Assessors Department.
3. Application Form
Three (3) copies of the application form which is available from the Zoning Board of Appeals Office. At least one copy of the application form must bear the original signature of the property owner. If the applicant is other than the property owner a letter from the property owner authorizing the application and bearing

his/her original signature may be submitted. The application shall state in precise language the reasons for the application (for example, a Variance for insufficient frontage, insufficient lot area, insufficient yard setback; a Special Permit to modify an existing nonconforming structure or use, or for approval of a use which is only allowed by Special Permit).

4. Building Inspector's Denial

One (1) original and two (2) copies of the Building Inspector's denial letter.

5. Abutters List

The applicant shall obtain a "Certified List of Abutters" from the Board of Assessors and include three (3) copies of the list with the application to the Board of Appeals. The Board of Appeals shall notify the abutters by Registered Mail, Return Receipt Requested.

6. Application Fee

The following are the application fees payable to the "Town of Chelmsford" at the time of submittal of the application.

A.	Residential Variance/Special Permits:	\$100
B.	Commercial Variance/Special Permit:	\$400
C.	Home Occupation Special Permits:	\$100
D.	Comprehensive Permit	
	1. Housing Authority:	\$0
	2. Others:	\$1000 + \$50 per dwelling unit
E.	Administrative Appeals	\$300

7. Abutter Notification Fee

Applicants shall pay for the cost of notifying, by first-class mail with certificate of mailing, each of the abutters as they appear on the list prepared by the Assessors. The applicant shall provide one **\$1.05** stamp for each abutter.

8. Legal Notice Fee

The applicant shall provide a deposit check in the amount of \$50.00 for the cost of publication of a legal notice in the newspaper. The applicant shall be informed of the actual cost of publication on the Wednesday before the hearing. The applicant shall receive their \$50.00 deposit back when they provide a personal check (payable to the Town of Chelmsford) for the legal notice fee.

9. Project Review Fees

So that the Board may make findings required under the Bylaw and insure that the public safety will be protected, the Board may hire outside traffic, engineering, architectural, legal, or planning consultants to review an application. Said outside review shall be pursuant to the provisions of Massachusetts General Laws, Chapter 44, § 53G. To cover the cost of these reviews, a review fee deposit may also be required of an applicant at the time of submission or at any appropriate time in the review process. The amount of the fee deposit will reflect the anticipated consultant fee(s) plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. Any amount of the deposits remaining after the issuance of building permits for the proposed construction plus any remaining accrued interest will be repaid to the applicant or the applicant's successor in interest. The applicant may choose the consultant for any such review from a pre-approved list

maintained by the Board; otherwise, the Board will make the choice of the consultant.

The applicant may appeal from the selection of an outside consultant to the Board. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue, or three or more years of practice in the field at issue or a related field. The applicant must specify the specific grounds which the applicant claims constitute a conflict of interest or a failure to meet minimum professional requirements.

10. Sign Design Plans

For applications for approval of freestanding or wall signs sixteen (16) copies of the proposed sign plan shall be submitted with the application.

B. Application for Comprehensive Permit

Please refer to the Comprehensive Permit Rules and Regulations

C. Submitting the Application:

When all required application materials are assembled applicants shall bring the application package to the Community Development/Board of Appeals Office for a review for completeness. If the application is complete applicants will be directed to the Town Clerk's Office where the application is date stamped. Without this review for completeness the Town Clerk will not date stamp the application and the hearing on the application will not be scheduled.

NOTE: Applicants for Limited Accessory (In-Law) Apartments please refer to Addendum A (attached) for additional requirements.

3. HEARING PROCEDURE

A. Hearings normally commence at 7:00 PM, are scheduled in the order the applications are received, and are conducted according to the provisions of the Open Meeting Law, Massachusetts General Laws, Chapter 39, §§23A-24.

B. The appellant or his/her representative will be called to present evidence to the Board in support of the application. Following the appellant's presentation, the Board members will ask questions regarding the application. The audience will then be allowed to ask questions or comment on the application.

C. Variance

The Board of Appeals shall only grant a Variance where:

1. Owing to circumstances relating to the soil conditions, shape, or topography of such land or structures, and especially affecting such land or structures, but not affecting generally the zoning district in which it is located;
2. A literal enforcement of the provisions of the Zoning Bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant; and
3. That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Bylaw.

The Board of Appeals shall grant a Variance only where the applicant demonstrates to the Board of Appeals that all of the above exist.

D. Special Permit

- For a Special Permit the applicant shall demonstrate and the Board must determine that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in the Zoning Bylaw, the Board shall consider the following in making its determination:
1. Social, economic, or community needs which are served by the proposal;
 2. Traffic flow and safety, including parking and loading;
 3. Adequacy of utilities and other public services;
 4. Neighborhood character and social structures;
 5. Impacts on the natural environment; and
 6. Potential fiscal impact, including impact on town services, tax base, and employment.
- E. Special Permits may be granted with such reasonable conditions, safeguards, or limitations on time and use, including performance guaranties, as the Board may deem necessary to serve the purposes of the Zoning Bylaw.
- F. An applicant may withdraw an application at any time prior to the vote of the Board, subject to the Board's agreement.

4. DECISIONS

- A. Variances
The Board of Appeals shall file its decision on a Variance with the Town Clerk within one-hundred (100) days after the date of the filing of the petition for the Variance.
- B. Special Permits
The Board of Appeals must hold a public hearing within sixty-five (65) days after the date of the filing of the petition and must make a decision within ninety (90) days after the close of the public hearing.
- C. Comprehensive Permits
The Board of Appeals must hold a public hearing within thirty (30) days of receipt of the application for a Comprehensive Permit and must render a decision within forty (40) days after the close of the public hearing.
- D. Administrative Appeals
The Board of Appeals must hold a public hearing within sixty-five (65) days after the date of the filing of an administrative appeal and must make a decision within one-hundred (100) days after the close of the public hearing.
- E. Special Requirements
1. When granting Variances, Special Permits, or reversing an order or decision of an administrative officer a minimum of four (4) affirmative votes are required for approval. A vote resulting in fewer than four (4) affirmative votes shall be considered a denial of the petition, application, or appeal.
 2. Comprehensive Permits require an affirmative vote of at least three (3) members of the Board.
 3. The Board shall clearly set forth its reasons for granting a Variance, Special Permit, or Comprehensive Permit.
- F. The Board's decision becomes official when it is date stamped at the Office of the Town Clerk. This shall occur within fourteen (14) days after the vote.
- G. There is a twenty (20) day appeal period beginning on the date the decision is stamped by the Town Clerk. The Variance or Special Permit only becomes valid when the twenty (20) day appeal period expires without an appeal being filed.

- H. Upon the expiration of the twenty (20) day appeal period the applicant shall get the Town Clerk's endorsement that no appeal was filed. The Town Clerk may charge a fee for this service.
- I. The applicant shall record the decision, bearing the Town Clerk's endorsement, at the Registry of Deeds at 360 Gorham Street, Lowell, MA. No building permit shall be issued without a recorded decision.
- J. A Variance shall be valid for one (1) year from the date it is received by the Town Clerk. If an appeal is filed the Variance shall be valid for one (1) year from the date the appeal is settled or decided by the Court.
- K. A Special Permit shall be valid for two (2) years from the date it is received by the Town Clerk. If an appeal is filed the Special Permit shall be valid for two (2) years from the date the appeal is settled or decided by the Court.