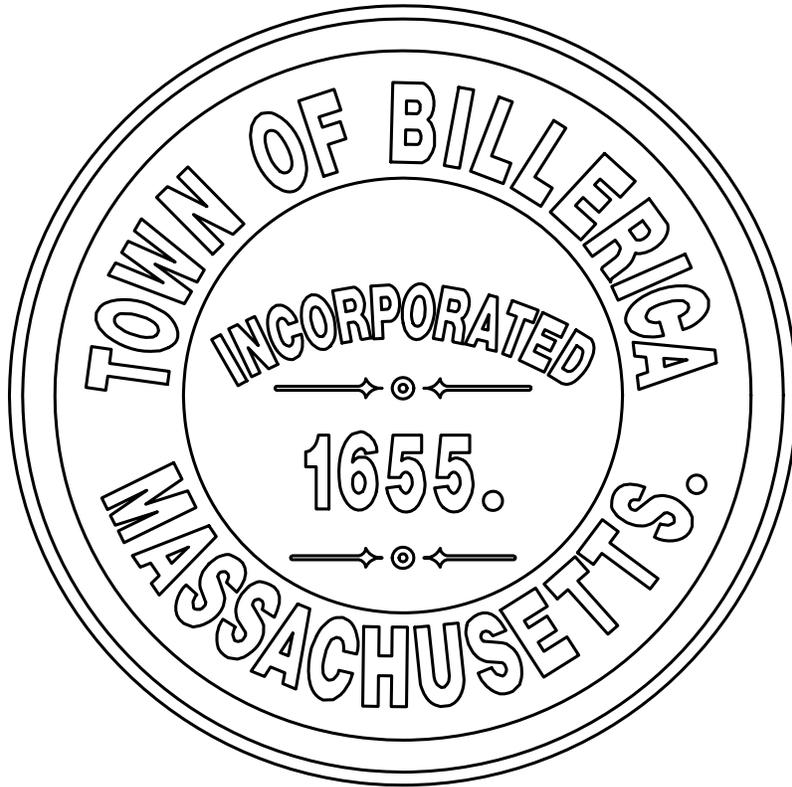


TOWN OF BILLERICA



Development Guide

Second Edition
April 2006

TOWN HALL 365 BOSTON ROAD, BILLERICA, MA 01821

Town of Billerica

Development Guide

OUTLINE

- I. First Steps: advice on establishing contacts with Town Departments and on the research needed for your application.
- II. A summary of the most common permits you may need.
- III. A brief review of the permit-application process.
- IV. Residential Cluster Development
- V. Flow Chart-Locus
- VI. Directory

Homeowners, small businessmen, and professionals often need a helping hand to get through the complicated process of securing local permits for development and construction projects. This Development Guide explains the process each project might face and how the permit should proceed. The information included ranges from mundane matters such as “where to purchase a zoning by-law booklet” to “how to obtain an abutters list”.

This guide is for information only. It does not have the force of the law. Please refer to the applicable laws and regulations for specific technical and procedural requirements. In most cases, you will need professional help in such areas as land survey, engineering, architecture, law and transportation planning.

The Facilitator

The Director of Planning acts as the town’s Permit Facilitator. His primary responsibilities in this regards are to act as a contact person whenever departmental personnel are not available and to assist permit seekers in obtaining necessary signoffs. As a general rule, if an individual homeowner is unclear with any step in the process and needs help, the Facilitator is available with assistance.

It shall be noted that due to the fact that department heads are obligated to do inspections during the day and are not always available, the facilitator can act as an intermediary during those times. The facilitator will also route pre-applications for individual homeowners who are unfamiliar with the process or who are unable to spend the necessary time to do so themselves.

If you somehow feel you are at a dead end, contact the Facilitator who works out of the Planning Board Office on the ground floor of the Town Hall.

Town Administrator / Board of Selectman

The office of the Town Manager serves as the Chief Administrative office of the town under the provisions of the Billerica Home Rule Charter. The Board of Selectmen act as the licensing authority for many permitted uses within the Town of Billerica and in most cases will not issue licenses/permits until such time as the various Town Departments have reviewed an applicant's petition. For many of the major new development proposals in Billerica, the Town Manager's office will act as a clearinghouse and coordinating agent throughout the permitting process.

1. The First Steps

Most projects need permits. The more research you do in the planning stage, the easier it will be to meet the requirements for town and (sometimes) state and federal permits and approvals. You will increase the likelihood that your project and design will be accepted, and reduce your risk of having to make significant and expensive changes in order to obtain approval.

Step One - First Contacts and Research

As soon as you know the location and approximate size of your development project and the use(s) to which it will be put, talk to people in the Building, Conservation, Health, Planning and Engineering departments at the Town Hall and the Fire Prevention Bureau located at the Fire Department Headquarters, 8 Good Street directly in back of the Town Hall. They can tell you if your project seems feasible or what changes you may need to make. They'll show you which permits you are likely to need, roughly how long it will take to get them, and whether public hearings will be required. This information will help you estimate your planning costs, set realistic project time lines, and minimize the likelihood of unpleasant surprises.

Fees

As you are probably well aware, there are fees required for most 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.

Building Department Room – G07

This is the first department you should visit. It enforces the Billerica Zoning By- Law, applicable General By-Laws and the State Building Code. It administers the issuance of building, occupancy, and sign permits. The Building Department is your initial day-to-day contact throughout the process and will direct you in obtaining Site Plan Special permits from the Planning Board and "Use" Special Permits, Variances and Flood Plain Special Permits from the Board of Appeal.

Fire Department

The Fire Prevention Bureau reviews all plans submitted for building permits; residential, commercial and industrial. Plans submitted under the State Building Code (780CMR) are reviewed by the Fire Department for approval of the following items:

1. Location of hydrants and siamese connections.
2. Access for firefighting apparatus and rescue vehicles.
3. Provisions for fire pumps.
4. Design and location of required standpipes, sprinkler systems and related equipment.
5. Design and location of fire alarm systems, including detection, supervision and related equipment.
6. Smoke control in buildings.
7. Location and protection of furnace and boiler rooms.
8. Inspection of woodstoves and related piping.

In addition, the Fire Prevention Bureau issues permits for oil burners, installation and removal of tanks and containers, blasting, flammable and combustible storage, fire alarm installation, sprinkler system installation, residential smoke detectors.

Conservation Commission - Room 211

The Conservation Commission administers and enforces on the local level, the State Wetlands Protection Act (M.G.L. Chap. 131, Section 4) and its applicable State Regulations (310CMR 10.00). They also administer the town's local wetlands regulations.

In general, the Commission has jurisdiction over the sites that contain floodplain and or vegetated wetlands or that are within 100 feet of vegetated wetland. This means that any activity that takes place on property under the Commission's jurisdiction is subject to its review and approval before the proposed activity can legally commence. Do not bypass this step; conservation impacts are not always apparent. Some wetlands are not obvious to the untrained eye. The Conservation Administrator can tell you if your project falls under the Commission's jurisdiction.

Health Department – G03

The Board of Health enforces the state and local health and environmental codes. Copies of the state codes can be obtained from the Statehouse Bookstore. Copies of the local health regulations can be obtained from the Billerica Health Department. Depending on the nature of the project that is being proposed, the process may be simple or can become very complex and time consuming, dealing with public hearings, variance requests, plan changes, and site inspections. Generally, no two cases are alike. Most often, each case has its own unique set of circumstances.

The best way to avoid complications and comply with all of the rules, laws, and regulations is to seek advice from the Director of Public Health. Whenever you are unsure of a question relating to the Health Department, you should stop what you are doing and get the correct answer from the Director of the Department. You should not rely on information from other sources. Do not change your plans without prior approval, you could create impacts or problems that were not discussed or reviewed, thereby causing a violation of the applicable laws, rules or regulations. When you discuss your proposal with the Health Department be very specific and incorporate all aspects on your plan presentation. This will allow a comprehensive and complete review which should alleviate potential problems and save you time and money.

One of the permits you may need from the Board of Health is a Septic System Permit. Other permits may also be required specifically for your project. Septic permits are issued after proper testing, design review, and posting of a bond for new construction. Both of these processes are time consuming. Residents may be required to repair or upgrade septic systems serving existing structures in order to comply with Title 5 of the State Environmental Code. You should allow at least 45 days for issuance of necessary septic system permits and associated construction.

In addition to sewage disposal methods, the Board of Health retains jurisdiction over flood plain areas by adoption of local regulations. These regulations as well as others may impact your particular project and will be incorporated during a review of each applicant's proposed project.

Planning Board – Room G05

The Planning Board evaluates development proposals for their contributions towards community planning goals as documented in the current Growth Management Plan and assesses their impacts on the environment, transportation system, and town character. It coordinates the departmental review and legal process for new development proposals submitted to the Planning Board authorized under the Zoning By-Law and the Subdivision Control law.

The Planning Board approves site plan special permits, preliminary subdivision plans, definitive subdivision plans, residential cluster special permits and special permits for several other uses. The Planning Board office is your day-to-day contact throughout the process of obtaining these approvals.

Department of Public Works – Engineering Division – Room G09

Consult with the Department of Public Works Engineering Division on questions regarding road improvement by-laws, storm drainage requirements and water and sewer utilities and capacities. Removal of street trees requires a permit from the Tree Warden. The Engineering Division can put you in contact with the Tree Warden. If located on Concord Road or Dudley Road, a Scenic Road Approval from the Planning Board is required. The Highway Division is responsible for administrating curb cut and street opening permits.

Water Division

Permits to tap the Town's water supply are issued from the water treatment plant at 270 Treble Cove Road. All commercial and industrial buildings and all fire sprinkler systems are required to have backflow control devices. These are approved by the Water Division's Cross Connection Surveyor. This approval is in addition to the plumbing permit.

Regulations, Maps, and Other Materials

You can purchase or acquire these in Town offices as shown below. This is not a complete list; department staff people will tell you what others you may need.

Building Department –

Variance/ special permit, intent of use form, building permit information. Electrical and plumbing permits, zoning requirements, architectural barrier board requirements, zoning or building enforcement requests.

Conservation Commission -

Instructions for filing a Notice of Intent to do work in or near wetlands.

Board of Health –

Rules and regulations on health and environmental related issues, i.e. septic systems, hazardous materials, groundwater protection, floodplain, and food service establishments.

Planning Board –

Rules and regulations governing the subdivision of land in Billerica. Applications for site plan special permits, subdivision control approvals and ANR's (Form A) and certain "Use" special permits.

Engineering Department –

Two-foot contour topographical maps, flood plain maps, aerial photographs, and town street maps.

Fire Department –

Street directories, fire prevention materials.

Town Clerk –

Zoning by-laws and zoning maps. As you gather information, thoroughly study the applicable laws and regulations. If necessary, get independent professional advice on surveys, soil tests, groundwater analyses, traffic studies and legal questions.

Step Two – Preliminary Design

Often, you can avoid delays and costly changes by scheduling one or more informal reviews with Town departments while your design is still in the early stages. Since the amount of detail you need varies according to the permits you are applying for, consult the appropriate Town department to find out their requirements. In general, your plans should show a rough layout, and you should also have any additional information in hand to help reviewers fully understand your proposal (see the checklist in Section 5).

II. Local Permits

Pre-application

Before obtaining a building permit, a properly approved preapplication is required. The pre-application is obtained through the Building Department and describes your proposal. The pre-application must be signed off by various town departments, agencies and boards with respect to their jurisdictions. You will either receive an approval, which means you can move on to the next board, or a disapproval, which means further action shall be necessary with respect to that department before an approval can be obtained. In most cases a certified plot plan stamped by a surveyor will be required. It may take several days to obtain all the sign offs. The simpler your project is, the faster it will go through this process.

Once you have obtained the approval from the applicable authorities, return the signed pre-application to the Building Department. A properly completed preapplication is a preapplication that has the signed approval of all the departments before requesting a building permit. It is at this point that the 30-day period for issuance of a building permit starts. Routing the preapplication from office to office is the responsibility of the applicant unless a homeowner specifically requests that the facilitator do so. In order to keep a pre-application moving, it is critical to keep in contact with the town departments to find out the status of your preapplication. The directory listing found within this booklet provides the phone number and the location of the offices involved in this process.

These are the most common permits and approvals. It is not a complete list. Only through your first contacts, research, and preliminary reviews can you identify all the permits you will need.

Flood Plain District Special Permit

(Section 5.6 of Zoning By-Law)

The Inspector of Buildings utilizes the Green Engineering Map and the FEMA Map and is the sole determiner of the flood plain district. All land below the 100 year flood elevation is subject to flooding during a severe storm. Development in this area may not be allowed or may require a Flood Plain District Special Permit from the Board of Appeal. You may need safeguards which can affect your design and costs.

The Board of Health also has jurisdiction within the flood plain and also within the 100 foot buffer zone. Any project proposed in these areas will require a review and most often a variance from the Board of Health. You can obtain information regarding these situations from the Health Department.

Wetlands Protection

Work in or within 100 feet of a wetland (defined in the Massachusetts Wetlands Protection Act and applicable state regulations) is regulated by the Conservation Commission. Many kinds of work are prohibited in these areas; those that are allowed may require a permit called an Orders of Conditions. At this point, a Notice of Intent must be submitted accompanied by all necessary information required by the Commission to enable the members to make a decision. Along with the Notice of Intent, the required permit fee must be submitted.

Once all the necessary information has been submitted, the Commission will hold a public hearing and a final Order of Conditions will be issued. The Conservation Commission generally holds public meetings on the second and fourth Wednesday of each month in the Town Hall. These meetings are posted in advance in the Town Clerk's office.

General Zoning

Your site is in one of Billerica's eight (8) zoning districts. The Zoning By-Law defines in detail the requirements of each district with dimensional controls for building heights, square footage, setbacks, parking facilities, and landscaping. Some uses are prohibited in certain districts, while others require a Special Permit from the Board of Appeal or the Planning Board and /or a Site Plan Special Permit from the Planning Board. This permit is discretionary; not all applications are approved. The Board considers neighborhood character, Master Plan consistency, and other site or area-specific issues, and may require measures to mitigate the impact of the intended use.

The Zoning By-Law defines many special permits (not listed here) and specifies the conditions under which application may be approved.

The Building Inspector is the zoning enforcement officer and determines what is required pursuant to the Zoning By-Law.

Board of Health Permits

Among the permits you will need from the Board of Health are those for a septic system or other wastewater disposal method and for the construction in or within 100 feet of a floodplain or for restaurants, markets, or any other food service establishment. This is not a complete list. It is advised that you review your project with the Health Department to be certain which permit you will need.

Fire Department Permits

Among the permits you will need from the Fire Department are those for fire alarm systems, sprinkler systems, storage of flammables, wood burning stoves and smoke detector devices.

Site Plan Special Permits

(Section 6 of Zoning By-Law)

Almost every commercial or industrial project, with over 5,000 square feet of gross floor area, including expansions and additions, requires a Site Plan Special Permit by the Planning Board. During the review process, your plans will be reviewed by several boards and departments for specifics of site layout, building design, parking layout, landscape design, drainage, traffic mitigation and other impacts. These departments will then comment to the Planning Board, who will make a decision on the plan submitted.

Signs

(Section 16 of the Zoning By-Law)

The Zoning By-Law regulates the design, size, location and number of signs. Most signs require a sign permit from the Building Inspector.

Historic Districts

Billerica has four Local Historic Districts: The Center District, The North Billerica Mills District, the "Corner" District, and Richardson Mill District. 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 from the Historic Districts Commission. Information and contacts for the Historic Districts Commission are available from the Director of Planning.

Subdivision Approval

If your project is a subdivision, that is, if it divides the land into lots or parcels (residential, commercial, or industrial) and requires the construction of new streets, you must get a Subdivision Approval from the Planning Board. Under certain circumstances you may not need to construct a new street. If you don't have to build a new street, the Planning Board may sign a "Subdivision Approval Not Required" Plan at one of their regularly scheduled meetings.

Zoning Variances

Rarely, and only in extraordinary circumstances, the Board of Appeal may grant variances, or departures from the Zoning By-Law, such as a setback or building height not otherwise permitted in that Zone. The Zoning By-Law, mirroring the State Zoning Act, 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 have determined, with legal counsel, that your situation satisfies the legal criteria.

Work within a Public Way

All work within a public way controlled or maintained by the Town of Billerica, such as connections to gas, water, and sewer utilities, curb-cuts for driveways, tree removal, storm drainage construction and any street improvements required is subject to obtaining a Street Opening Permit from the Office of the Highway Department of Public Works. 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. If a roadway has been paved within the last five years you may not be permitted to open the roadway.

State and Federal Permits

Depending on the nature of your project or its impacts, you may need to apply for one or more permits from the State or Federal government. Here are the most common:

A curb-cut permit from the Massachusetts Highway Department for work affecting a state highway;

A permit from the US Army Corps of Engineers for work affecting certain wetlands and waterways;

A Certificate of Compliance from the Massachusetts Executive Office of Environmental Affairs (MEPA);

Extend Sewer – State Department of Environmental Protection.

The Town's staff can help you identify state and federal requirements for your project and help you make contact with the appropriate agency, but it is your responsibility to ensure compliance with state and federal requirements.

Building Permit

This is the last permit you get before starting construction. All other permits must be in place at this time. Before issuing a building permit, the Building Inspector conducts a final check on zoning compliance and reviews your building and construction plans for compliance with the Massachusetts Building Code and all other applicable permits.

III The Review Process

When your design work is complete, you are ready to apply for your permits. Preparing an application is not always simple. We'll answer any questions and try to clear up mysteries, but you should get independent professional and legal advice as well. Careful attention to detail will help you avoid delays, frustration and disappointment.

How long will it take to get a Permit?

It depends on how many and what kinds of permits you need. Many applications can be processed simultaneously, but some, including the Building Permit, require that others be in place first. Here are some typical processing times from the day you submit your application for common permits.

Building Permit	30 days from approved pre-application
Sign Permit (conforming)	within 7 days
Special Permit (Zoning)	Up to 2 months
Variance (Zoning)	Up to 2 months
Wetlands Permits	Up to 2 months
Board of Health Permits	Up to 45 days
Subdivision Approvals	4 months
Historic District Certificate	2 wks. - 2 months
Fire Department Permits	1 – 2 days
Sewer/Water Connection Permits	1-2 days
Site Plan Special Permits	up to 3 months

Some Special Permits under the Zoning By-Law take less than two months, but your schedule should allow up to three months just in case. These times may not include the appeal period.

Abutters List

Various boards require a certified abutter's list as a part of the application to appear before a board or commission for a hearing. The abutter's list can be obtained by request at the Assessor's Office for a fee of \$1.00 per abutter's name. List and labels are provided for a fee, certified, acceptable for submission to any board or commission. Lists are supplied in three forms:

- A. Direct Abutter's
- B. Abutter's within 100 feet
- C. Abutters to abutters within 300 feet
- D. All property owners within 300 feet or within 500 feet for Cell Towers

Please go to the Assessor's Office and fill out the form requesting the abutters list and pay the fee. Abutter's lists will be complete in 5 to 10 working days. As soon as the list is completed the Assessor's office will call the applicant. The Town Assessor certifies the abutter's list.

Public Hearing Procedure

Some permits require a public hearing before a permit shall be granted.

The purpose of the public hearing is to provide citizens, particularly neighbors and abutters with a forum to comment on or express concerns about your project. Nevertheless, do not wait until the formal public hearing to contact your neighbors; tell them your plans early to find out what you can do to address their concerns. Early communication is not only courteous; it is a proven strategy for a successful application.

The permit granting authority shall schedule the hearing within a specific time frame after receiving your application and will place the required notices in the local newspaper, giving the date, time, location, and purpose of the hearing.

You or your representative should 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 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, the Chairman will close the hearing and the Board will take the matter under advisement. In no case will the Board allow new evidence to be admitted after the close of the public hearing unless they have previously requested it.

IV. Preferred Development Option

To encourage you to help Billerica realize its goals and objectives, the Zoning By-Law offers a development option affecting density and use in some zones. Both you and the town might benefit if you can take advantage of this option.

Cluster Development

To foster preservation of Billerica's open space and remaining rural character, the Zoning By-Law offers an alternative to the standard residential subdivision. Development within a Residential Cluster Overlay District preserves open space by allowing homes to be clustered on smaller lots than what otherwise would be required. Cluster development gives you some flexibility in lot layout while retaining the character of a traditional neighborhood of single-family homes. We think you will benefit from using the cluster option because of increased design flexibility, lower construction costs, and the consumer's desire to locate near or adjacent to protected open space. It should be noted that land must be rezoned to take advantage of this option.

V. Development Checklist

Use this checklist to keep track of the information and permits your likely to need.

Factors Influencing Feasibility

- Flood Plain
- Wetlands
- Septic System Site Suitability
- Zoning District (is the use permitted?)
- General Zoning Requirements (building heights, setbacks, floor area ratio, parking facilities, etc.)
- Residential Cluster Option
- Local Historic Districts

Permits

- Flood Plain Special Permit
- Order of Conditions (wetlands)
- Permit for Septic System or Wastewater Facility
- Subdivision or "Approval Not Required" Plan
- Special Permit
- Zoning Variance
- Site Plan Special Permit
- Sign Permit or Special Permit
- Permit for Work within a Public Way
- State or Federal Permits needed
- Hazardous Materials Permit
- Street Tree Removal Permit
- Building Permit
- Fire Department Permits
- Historic District Certificate
- Cross Connection/ Backflow Prevention

DIRECTORY

Town Office	Phone	Location	Room
Board of Appeals	671-0964	T.H.	105
Assessors	671-0971, 0972	T.H.	109
Building Department	671-0959, 0960 0961, 0935	T.H.	G-07
Conservation Commission	671-0966	T.H.	211
Engineering Department-DPW	671-0909	T.H.	G-09
Facilitator	671-0962	T.H.	G-05
Fire Department	671-0940, 0941	F.S.	
Board of Health	671-0931, 0932	T.H.	G-03
Highway Department	671-0951, 9522	250	
Planning Board	671-0962	T.H.	G-05
Police- Administration	671-0900	P.S.	
Public Works Administration	671-0955	T.H.	G-11
Sewer Department	671-0956	S.T.P.	
Town Administrator/Bd. of Selectman	671-0942	T.H.	207
Town Clerk	671-0924	T.H.	101
Tree Department	671-0950	T.H.	G-11
Water Department	671-0957	W.T.P.	

Definitions:

T.H. -	Town Hall, 365 Boston Road
F.S. -	Fire Station, 8 Good Street
P.S. -	Police Station, Rear of Town Hall
S.T.P. -	Sewer Treatment Plant, 77 Letchworth Ave. N. Billerica
W.T.P. -	Water Treatment Plant, 270 Treble Cove Road
250 -	250 Boston Road

TOWN HALL OPERATIONAL HOURS

In order to facilitate the permit process and to establish and to provide more access to our regulatory departments for the citizens of Billerica, the Town has established set, definitive hours of operation wherein the appropriate department head will be available for assistance to those who are unfamiliar with the process for permit approvals. In some cases, permits can also be issued.

The Town Hall is open Monday through Friday (except holidays) from 8:30 A.M. until 4: 00 P.M. Due to inspections in the field; the following departments are open to the public:

Building Department

(Including the Inspector of Buildings, Electrical Inspector, and the Plumbing Inspector)

Board of Health Conservation Commission

Monday through Friday
8:30 A.M. - 10:00 A.M.
Except Holidays

Monday through Thursday
2:30 P.M. – 3:30 P.M.
Except Holidays

You are strongly advised to call the office you are seeking assistance from prior to visiting the office to guarantee the staff's availability.



Board of Assessors
Town Hall
365 Boston Road
Billerica, Massachusetts 01821

RICHARD J. SCANLON, *Chairman*
CAROL A. GIBSON, *Secretary*
BRUCE E. RICHARDSON, *Associate*

Tele: (978) 671-0971
Fax: (978) 663-5621

ABUTTERS LIST REQUEST

Name _____ Date _____
Address of Property _____ Plate _____
Telephone Number _____ Parcel _____

I request one copy of the following abutters list and three copies of the labels for the above listed property. The cost of this service shall be \$1.00 per name. The list shall be available five to ten (5-10) working days from the requested date or earlier.

Signature of applicant _____

Types of Abutters Lists

There are four types of abutters lists which may be required in the Town of Billerica. The board or commission you are seeking approval from and the particular request you are making determines the type of list. You will need to contact the applicable board or commission to determine which of the following will be required in your case.

(Circle one – If no letter is circled a “D” list will be prepared.)

A. Direct Abutters

This list contains direct abutters only. Properties across public right-of-ways or paper streets, which have not been discontinued, are not included.

B. Abutters Within 100 Feet

This list contains all abutters within 100 feet of the parcel, notwithstanding public or private streets or ways, municipal borders or bodies of water.

C. Abutter to Abutter Within 300 Feet

This list contains abutters to direct abutters within 300 feet of the parcel. If there is more than one abutter between the subject parcel and the abutting property within 300 feet the owner will not be notified.

D. All Property Owners Within 300 Feet (Cell Towers – All Property Within 500 Feet)

This list contains all properties within 300 feet of the subject parcel. Abutters to abutter restrictions do not apply.

Assessor's
Signature _____ Date _____ Amount _____

