



## **BUILDING DEPARTMENT: FAQ'S PERMIT PROCESS FOR BUILDABLE LOT**

### **BUILDING DEPARTMENT AND ZONING ENFORCEMENT OFFICE**

#### **Permit Questions:**

##### **How do I know if a permit or a review is needed?**

Generally, remodeling or interior improvements to an existing building only require a building permit (See Section IV). Town staff will assist applicants in coordinating procedures for all projects that require more than just a building permit. Whatever the requirements of a project, it is useful to consult with Town personnel early in the project planning process.

##### **Can I be denied a building permit?**

The Building Inspector has the authority to deny a Building Permit on the basis of noncompliance with the State Building code and/or the zoning bylaw. However, the Building Official is committed to working with applicants to ensure that work is completed in a manner that is safe and in compliance with the State Building Code.

##### **How long is a building permit valid?**

A building permit lapses if substantial construction has not occurred within 180 days following the approval of the permit. If an extension is required, the applicant should meet with the Building Official in advance of the expiration date to discuss the possibility of an extension.

##### **What other items require permits from the Building Official's Office?**

As noted demolition permit can be obtained through the Building Official. Sign permits, Mechanical permit applications can be picked up and dropped off in this office as well.

#### **Use of Land:**

##### **What should I do if I wish to use my property in a manner not allowed for in the by-laws?**

Exceptions for uses not specified in the Bylaw will likely not be permitted since our bylaw does not provide for use variances. You should contact the Building Commissioner/Zoning Enforcement Officer for a zoning determination.

#### **Demolish:**

##### **What if I wish to demolish a structure?**

The Town of Sturbridge does have a Demolition Delay Bylaw in place. What this means is that there may be a delay period before a demolition permit may be issued by the Building Commissioner if your building is in whole or in part 100 years or more old and which has been determined by the Historic Commission or its designee to be significant. This bylaw can be found in Section 2.30

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## CONSERVATION COMMISSION

### **Streams/Wetlands/Flood Plain:**

#### **What if I am doing work near a stream or wetland?**

The Town of Sturbridge Conservation Commission regulates construction near wetlands, streams and other water bodies. See Section V for further information.

#### **How do I know if there are any other special features about my property; for instance is it located in a flood plain or a water protection district or any special controlled area?**

The Water Protection District Maps and Flood Zone Maps can be reviewed in the Planning Department or Conservation Commission offices, this information can also be view online at

<http://hosting.tighebond.com/sturbridgema/main.htm> . Staff in either of those offices can help you locate your property on the maps and let you know if any special conditions apply to your property.

### **Plan Types:**

#### **What is a Preliminary Plan (Form B)?**

Although required for non-residential subdivisions, submission of a Preliminary Plan (also known as “Form B” plans) is strongly recommended for residential subdivisions as well, since it will avoid costly delays in the project arising from necessary design changes.

Prospective developers are encouraged to discuss projects with the Town Planner before filing their “Form B” plan. The applicant should also discuss the plan with the Conservation Agent and the Health Agent early in the process to incorporate their suggestions and to gain an understanding of their requirements.

#### **What is a Definitive Plan (Form C)?**

The Definitive Subdivision Plan (also known as “Form C” plans) must be submitted within seven months of submission of the Preliminary Plan in order to be governed by the zoning in effect at the time the Preliminary Subdivision Plan was submitted. The approval process requires that the Planning Board consult with the Fire Chief, Conservation Commission, DPW Director, Police Chief and Board of Health prior to the Public Hearing. Both a Preliminary and a Definitive Plan require a public hearing, which must be advertised twice with the first publication occurring at least 14 days in advance of the Public Hearing. All abutters within 300 feet of the proposed subdivision must be notified using a Certificate of Mailing. The Planning Department will prepare the appropriate notices for you, but it is your responsibility to public the notice and notify the abutters. Fees are based on the number of lots in the proposed subdivision (see fee schedule). State law requires that the Planning Board rule on a Definitive Plan within 90 days of submission, following review of a Preliminary Plan or 135 days where there was no Preliminary Plan. The Planning Board must approve a Definitive Plan by a majority vote.

## TREE WARDEN

### **Scenic Roads:**

#### **I have heard my road is a Scenic Road; what does that mean to me?**

Certain Roads in town have been designated as Scenic because they possess certain characteristics that make it especially aesthetically pleasing to residents as well as those visiting the town. As one way to help maintain that character, the town has adopted regulations governing the removal of stone walls and trees within the right of way on these roads. Any removal as stated in Section 3.70

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# PLANNING BOARD & ZONING BOARD OF APPEALS

## Site Plan:

### What is the Site Plan Review Process?

Site Plan Review allows the Planning Board the ability to consider how the proposed project will impact a variety of matters in the town such as compatibility with the neighborhood, vehicular and pedestrian circulation, noise, water pollution, stormwater management and open space. It is strongly recommended before submission of the site plan that you meet with the Town Planner to discuss potential concerns early in the process. The intent of the Site Plan review process is not to restrict your use of the site but to ensure that it fits into the Town's setting. The Planning Board will work with any person proposing a project to develop a site plan that is acceptable to both parties.

### What are the elements that are reviewed during this process?

As part of the Site Plan review process the Planning Board will review the following items for their appropriateness:

- Preservation of natural resources
- Relation of buildings to environment
- Open space
- Circulation
- Surface water drainage
- Ground Water Recharge and Quality Preservation
- Utility service
- Advertising features
- Landscaping
- Buffering
- Parking
- Vehicular and Pedestrian Safety

Applications for Special Permits and Site Plan Approval shall be referred by the Planning Board to the Conservation Agent, the Health Agent, DPW Director, Building Inspector, Fire Chief and Police Chief. Any such reviewing party may make such recommendations as they deem appropriate to the Planning Board.

## Approval Not Required Plan (ANR):

### What is the Approval Not Required (ANR) or Form A Criteria?

The Planning Board determines ANR eligibility by reviewing the proposed lots to see if they have adequate area and frontage on either:

A public way or a way that the Planning Board certifies is maintained and used as a public way.

A way shown on a subdivision plan that has been approved previously and endorsed by the Planning Board.

A way that the Planning Board has determined has sufficient width, grades and construction to provide for the needs of vehicular traffic in relation to the proposed use of the land.

### What is the ANR Filing Procedure?

Formal filing requirements include the submission of one Mylar survey plan, three paper copies of the plan, a completed Form A, "Application for Endorsement that Planning Board Approval under Subdivision Control Law is not Required", an ANR Checklist and the filing fee.

### What happens after the Planning Board endorses the ANR plan?

Endorsement of an ANR plan by the Planning Board does not certify that the lots shown on the plan qualify as building lots under the Zoning Bylaw. The Building Inspector will make this determination. Planning Board endorsement only indicates that the plan shows a subdivision of land that does not require further review and approval under the Rules and Regulations Governing the Subdivision of Land. It should be noted that additional

approvals or permits may be required from the Board of Health and/or Conservation Commission depending on the scope of the project.

### **Special Permit:**

#### **What happens after a Special Permit approval is granted?**

The Special Permit becomes effective when recorded with the Worcester District Registry of Deeds. The applicant must obtain a certificate of from the Town Clerk and record the permit with the Registry if no appeal is filed within 20 days of the date on which the detailed record and decision with the Town Clerk. In granting the permit, the ZBA and/or Planning Board may impose conditions, safeguards and limitations or may require a bond or other security to insure compliance.

#### **How long a Special Permit valid?**

The Special Permit lapses if it is not exercised within one year of the date on which the decision is filed with the Town Clerk. Major amendments to the plans submitted in the original review process require an additional review and approval by the ZBA and/or Planning Board. Any person, whether or not previously a party to the proceedings, or any municipal officer or board, aggrieved by a decision of a Board of Appeals or by a Planning Board regarding an action or inaction on an application, may enter an appeal to the Superior Court within 20 days after such decision has been filed in the office of the town clerk or after the expiration of the required time in which a decision should have been rendered.

#### **What happens in the event of an unfavorable decision on a Special Permit?**

If an unfavorable decision is issued, an applicant may not reapply until two years have passed, unless consent to reapply earlier is granted by the Planning Board and the ZBA based on specific, material changes in the application and/or conditions upon which the decision was based. The applicant may also appeal the ZBA and/or Planning Board decision to the Superior Court.

### **Variance:**

#### **What happens after a variance is granted?**

The Variance becomes effective when recorded with the Worcester District Registry of Deeds. The applicant must obtain a certificate from the Town Clerk and record the permit with the Registry if no appeal is filed within 20 days of the date on which the ZBA has filed its detailed record and decision with the Town Clerk. In granting the permit, the ZBA may impose conditions, safeguards and limitations or may require a bond or other security to insure compliance.

#### **How long is a variance valid?**

Permission for the Variance lapses if it is not exercised within one year of the date upon which the ZBA's makes its decision. An extension may be granted by the ZBA for a period not to exceed six months, provided the application for extension is filed prior to the expiration of the Variance.

#### **What happens in the event of an unfavorable decision on a variance?**

If an unfavorable decision is issued, an applicant may not reapply for a Variance until two years have passed, unless consent to reapply earlier is granted by the Planning Board and/or the ZBA based on specific, material changes in the application and/or conditions upon which the decision was based. The applicant may also appeal the ZBA decision to the Superior Court.

### **Land Subdivision:**

#### **What if I wish to subdivide my land?**

The Planning Board regulates the creation of new lots in the Town of Sturbridge. See the Planning Department Section starting on page 34 for further information.

#### **What is the process for Subdivision Approval?**

The division of land into two or more lots with frontage on a way that is proposed to be constructed requires Planning Board approval. A subdivision plan must be submitted that meets the standards described in Sturbridge's Rules and Regulations Governing the Subdivision of Land as well as the standards contained in the Sturbridge Zoning Bylaw.

### **What is a Preliminary Plan (Form B)?**

Although required for non-residential subdivisions, submission of a Preliminary Plan (also known as "Form B" plans) is strongly recommended for residential subdivisions as well, since it will avoid costly delays in the project arising from necessary design changes.

Prospective developers are encouraged to discuss projects with the Town Planner before filing their "Form B" plan. The applicant should also discuss the plan with the Conservation Agent and the Health Agent early in the process to incorporate their suggestions and to gain an understanding of their requirements.

### **What is a Definitive Plan (Form C)?**

The Definitive Subdivision Plan (also known as "Form C" plans) must be submitted within seven months of submission of the Preliminary Plan in order to be governed by the zoning in effect at the time the Preliminary Subdivision Plan was submitted. The approval process requires that the Planning Board consult with the Fire Chief, Conservation Commission, DPW Director, Police Chief and Board of Health prior to the Public Hearing. Both a Preliminary and a Definitive Plan require a public hearing, which must be advertised twice with the first publication occurring at least 14 days in advance of the Public Hearing. All abutters within 300 feet of the proposed subdivision must be notified using a Certificate of Mailing. The Planning Department will prepare the appropriate notices for you, but it is your responsibility to public the notice and notify the abutters. Fees are based on the number of lots in the proposed subdivision (see fee schedule). State law requires that the Planning Board rule on a Definitive Plan within 90 days of submission, following review of a Preliminary Plan or 135 days where there was no Preliminary Plan. The Planning Board must approve a Definitive Plan by a majority vote.

### **What happens after the Definitive Subdivision Plan is approved?**

Following approval of a Definitive Plan, the applicant is subject to a mandatory 20-day appeal period. If no appeals are filed within the 20-day period, the Town Clerk will certify that no appeal has been filed, and the Planning Board will sign the plan. The Definitive Plan must be recorded with the Worcester District Registry of Deeds. This is the applicant's responsibility.

### **Scenic Roads:**

#### **I have heard my road is a Scenic Road; what does that mean to me?**

Certain Roads in town have been designated as Scenic because they possess certain characteristics that make it especially aesthetically pleasing to residents as well as those visiting the town. As one way to help maintain that character, the town has adopted regulations governing the removal of stone walls and trees within the right of way on these roads. Any removal as stated in Section 3.70

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### **Flood Zone Maps:**

#### **How do I know if there are any other special features about my property; for instance is it located in a flood plain or a water protection district or any special controlled area?**

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# BOARD OF HEALTH

## **Percolation Test:**

### **When can a perc test be done?**

Perc tests can be performed from November 1<sup>st</sup> to May 1<sup>st</sup>. Contact the Health Department for further information or to schedule an appointment.

## **Septic System:**

### **What approvals are needed if my project requires a new or expanded septic system?**

The Health Department handles Title 5 septic system approvals. See the Health Department Section starting on page 19 for further information.

### **What if I want to build or upgrade a septic system?**

**New Septic Systems:** New septic systems must meet Title 5 requirements and require a permit from the Board of Health. Consultation with a professional engineer is advised.

**Modification or upgrade:** Title 5 sets specific requirements for the modification or upgrade of an existing septic system, consultation with a professional engineer is advised. Contact the Board of Health for permit and inspection requirements.

## **Building Renovations:**

### **Why does the Board of Health need to review my addition or remodeling plans?**

Any change of use or potential addition of a bedroom, even if you don't intend to use it for a bedroom, must be reviewed. If the addition meets the definition of a bedroom in Title 5, (70 square feet, heated, with a door and a window) then the Board of Health must determine if your existing septic system is adequate or if your septic system must be upgraded.

## **Subdivisions:**

### **How is the Board of Health involved in the Subdivision Approval Process?**

The Board of Health works with the Planning Board in reviewing Definitive Subdivision Plans. Review of Definitive Subdivision Plans begins with the submission of the plan to the Planning Board and the Board of Health. The Board of Health has 45 days after the Definitive Plan is filed to report to the Planning Board in writing either:

- A. Approval of the plan; or
- B. Disapproval of the plan including specific findings as to which, if any, areas shown on the plan cannot be used for building sites without injury to the public health. The report should also include the reasons for such a decision and, where possible, should include recommendations for adjustment to the plan. Approval of the plan by the Health Department shall not be deemed to be an approval of a permit for construction.

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### **Environment Codes (Title V & Wells):**

#### **What are the other activities of the Health Department?**

The Town of Sturbridge Board of Health administers Title 5 of the State Environmental Code. Title 5 regulates the construction, maintenance, inspection and upgrade of septic systems. It also regulates the placement of private water supply wells and issuing drilling permits.

#### **Are there standards other than Title 5, of which I should be aware?**

Yes. All septic tanks and soil absorption systems have minimum setback distances from property lines, watercourses, water supply wells, and other natural and manmade features. There is a perc season, minimum perc rate and a deadline for new perc tests.

## **Town Clerk**

### **Special Permit:**

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### **Subdivision:**

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## HISTORIC COMMISSION

### Demolish:

#### What if I wish to demolish a structure?

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## MULTIPLE DEPARTMENTS

### Contact Info:

#### Who should I contact for more info?

Each section of this guide has a Town Official/Department Head to contact if more information is needed.

### Permit Applications:

#### How do I apply for a permit?

Forms are available at the individual departments or on-line at the Town's website

<http://www.town.sturbridge.ma.us>.

### New Construction or New Business:

#### What if I want to construct a new home or business?

New construction may require one or more permits depending on the size, location, and proposed use. Your first step should be to consult the Building Inspector/Zoning Enforcement Officer and review the Town of Sturbridge's Zoning Bylaw to determine whether your project is allowed in that zone. The By-laws specify minimum lot area, building coverage and setback requirements. Required permits for your project may include a Special Permit, Site Plan Review, Conservation Permit, Driveway Permit, Sewer and/or Water Connection Permit, Building Permit, and/or Board of Health Review.

### Inspections:

#### What types of inspections/certifications are needed to obtain a Certificate of Occupancy?

A list of inspections needed for a Certificate of Occupancy is provided by every department.

### Definitive Subdivision Plan (Form C):

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