

# ***TOWN OF ASHBURNHAM***

## **Permitting Guide**

November 2007

**TOWN OFFICES  
32 Main Street  
Ashburnham, MA 01430**

- I. Introduction**
- II. Town Boards and Commissions**
- III. Getting Started**
- IV. What to Expect**

## **I. Introduction**

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 Permitting Guide explains the process each project might face and how the permit should proceed.

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.

## **II. Town Boards and Commissions**

Most projects need permits. 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. The more research you do in the planning stage, the easier it will be to meet the requirements for Town and other applicable 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.

*Please note that permits may be withheld until all financial obligations to the Town have been met.*

### **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, and Planning Departments at the Town Offices. They can explain to 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.

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. A complete fee schedule is available on our website at [www.ashburnham-ma.gov](http://www.ashburnham-ma.gov) or can be obtained at the Town Offices

### **Building Department**

Whether proposing a subdivision or building a shed the Building Commissioner is the first person you should visit. He enforces the Ashburnham Zoning By-Law, applicable General By-Laws and the State Building Code. He administers the issuance of building, occupancy, and sign permits. The Building Commissioner will direct you as to whether your project requires Site Plan Review from the Planning Board, as well as, Use Special Permits and Variances from the Zoning Board of Appeal.

The Building Commissioner holds office hours on Monday night's from 6:00 – 7:00 PM. You can contact the Building Commissioner at 978-827-4100 x 117.

### **Board of Health**

The Board of Health is a five member Board who 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 Ashburnham Land Use Office or from the Nashoba Associated Boards of Health.

One of the permits you may need from the Board of Health is a Septic System Permit. Septic permits are issued after proper testing and design review. 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.

You can reach the Health Agent at 978-827-4100 x 116 Tuesday and Thursday between 8:30 AM and 10:00 AM or at the Nashoba Associated Boards of Health at 800-427-9762.

The Board of Health meets the first Monday of each month at 6:30 PM at the Town Hall Lower Level Meeting Room

### **Planning Board**

The Board is comprised of five elected members and one appointed associate member, who are empowered to regulate the subdivision of land under the provisions of the Subdivision Control Law for the purposes of protecting the safety, convenience, and welfare of the inhabitants of the Town of Ashburnham. The Planning Board evaluates Low Impact Development Reviews, Site Plan Reviews, Preliminary Subdivision Plans, Definitive Subdivision Plans, and Open Space Residential Development Proposals for their contributions towards community planning goals. The Board also issues Special Permits for Common Driveways and Accessory Dwelling Units and administers the Scenic Road regulations.

The following is a list of Ashburnham's Scenic Roads. If your project consists of work on a Scenic Road, you may require a Scenic Road Permit from the Planning Board.

*Bush Hill Road  
Cashman Hill Road  
Corey Hill Road  
Cushing Street  
East Rindge Road  
Hastings Road  
Lashua Road  
Packard Hill Road  
River Styx Road  
Russell Hill Road  
Wilker Road  
Willard Road  
Young Road*



For more information, you can contact the Town Planner at 978-827-4100 x 121 or at [esmith@ashburnham-ma.gov](mailto:esmith@ashburnham-ma.gov).

The Planning Board meets the second and fourth Thursday of the month at 7:00 PM at the Town Hall Lower Level Meeting Room. Planning Board's Rules and Regulations can be obtained at [www.ashburnham-ma.gov](http://www.ashburnham-ma.gov).

### **Zoning Board of Appeals**

The Zoning Board of Appeals is a five member Board responsible for reviewing Variance Requests and Special Permits and Appeals under Massachusetts General Law Chapter 40A in order to promote the health, safety and general welfare of the inhabitants of the Town of Ashburnham.

For more information, you can contact the Land Use Administrator at 978-827-4100 x 117 or at [dhoward@ashburnham-ma.gov](mailto:dhoward@ashburnham-ma.gov).

The Board meets on Wednesdays, on an as needed basis, at 7:30 PM in the Town Hall Lower Level Meeting Room.

### **Department of Public Works**

Consult with the Director of the Department of Public Works on questions regarding road improvements, storm drainage requirements and water and sewer utilities and capacities. Removal of street trees requires a permit from the Tree Warden in conjunction with the Planning Board. The Highway Department is responsible for administering curb cut and street opening permits.

You can reach the Highway Department at 978-827-4120 or at [douellette@ashburnham-ma.gov](mailto:douellette@ashburnham-ma.gov).

The Water~Sewer Commission meets on the second Tuesday of each month at 7:00 PM at the VMS Building Senior Center.

### **Conservation Commission**

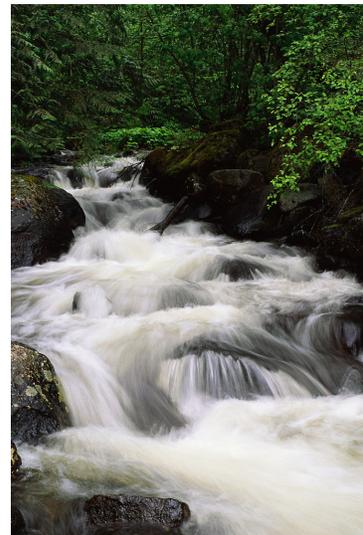
The Conservation Commission is a five member Commission charged with the responsibility of administering and enforcing the State Wetlands Protection Act (M.G.L. Chap. 131, Section 40) and its applicable State Regulations (310 CMR 10.00). They also administer the Ashburnham Wetlands Protection Bylaw and its respective Rules and Regulations. In general, the Commission has jurisdiction over all activities within lands subject to flooding, vegetated wetlands, lands that are within 100 feet of vegetated wetlands, and lands within 200 feet of perennial streams. This means that any activity that takes place on lands 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. Depending on the nature of the project that is being proposed and the resource areas involved, the process may be simple or can become very complex and time consuming, dealing with Public Hearings, variance requests, plan changes, and site inspections. You should allow 1-2 months. All other applicable permits and approvals must be obtained prior to the Commission closing the Public Hearing.

You can contact the Conservation Agent at 978-827-4100 x 115 or at [lcapone@ashburnham-ma.gov](mailto:lcapone@ashburnham-ma.gov).

The Conservation Commission meets the second and fourth Monday of each month at 7:30 PM in the Town Hall Lower Level Meeting Room.

Please visit [www.ashburnham-ma.gov](http://www.ashburnham-ma.gov) to review the Conservation Commission's Wetlands Protection Bylaw and associated Rules and Regulations.



### **Fire Department**

The Fire Chief 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, but not limited to:

1. Location of hydrants
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

In addition, the Fire Department 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.

You can contact the Fire Chief at 978-827-4021

### **III. Getting Started:**



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.

### **General Zoning**

Your site is in one of Ashburnham's eleven (11) 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 Review from the Planning Board. This permit is discretionary; not all applications are approved. The Board considers neighborhood character 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.

### **Zoning Variances and/or Special Permit**

If a Variance or Special Permit is required for your project, it is recommended to obtain this permit first as this can influence your proposed design. If a Variance or Special Permit was granted for your project, you must record this decision once the twenty (20) day appeal period has expired, and provide proof of recording with your Building Permit Application.

### **Conservation Commission**

Once you know the zoning requirements associated with your project, you should assess the land for the location of wetlands. Work in or within 100 feet of a wetland or within 200 feet of a perennial stream is regulated by the Conservation Commission. Activities within these areas may require the filing of a Request for Determination of Applicability, Notice of Intent, or other applicable application with the Conservation Commission, accompanied by all necessary information required by the Commission to enable the members to make a decision. Once all the necessary information has been submitted, the Commission will hold a Public Hearing and a final Order of Conditions may be issued. The Conservation Commission generally holds public meetings on the second and fourth Monday of each month at 7:30 PM in the Town Hall Lower Level Meeting Room.

This process can take one to a few months depending on the complexity of the project. Though the Conservation Commission can not make a final decision until all other applicable permits have been obtained, this process should be initiated in conjunction with other permitting processes.

### **Board of Health Permits**

Once wetlands and other limiting factors are located on and near the site, the Board of Health Agent should be notified to witness perk testing in order to design a septic system (or a Sewer Connection Permit should be obtained from the Sewer Department, if sewer is available). Among the permits you will need from the Board of Health are those for a septic system or other wastewater disposal method and a well construction permit.

Other permits issued by the Board of Health consists of licenses for tobacco, stable, 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 Agent to be certain which permit you will need.

Note: You will need to have potable water available on site before a Building Permit can be issued.

Please visit [www.ashburnham-ma.gov](http://www.ashburnham-ma.gov) for a list of all Board of Health Regulations.

### **Planning Board 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.

In order to obtain a signature on your Building Permit from the Planning Board, the approved Definite Subdivision Plan or endorse Approval Not Required Plan must be recorded at the Registry of Deeds and house numbers must be present on the Building Permit Application.

If your project shall result in an increased amount of stormwater runoff or pollutants from a parcel of land, or will alter the drainage characteristics of a parcel of land, unless exempt under Section 3B of the LID Bylaw, a LID Permit must be obtained prior to any land disturbance activities.

### **Work within a Public Way**

All work within a public way controlled or maintained by the Town of Ashburnham, such as connections to 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 Department of Public Works. All connections to Town utilities are subject to rules and regulations promulgated by the Town.

### **Fire Department Permits**

Among the permits you will need from the Fire Department are those for fire alarm systems, sprinkler systems, storage of flammables, and smoke detector devices. These can be obtained at any time.

### **Signs**

(Section 5.2 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.

### **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. It is your responsibility to ensure compliance with state and federal requirements. 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.
- NPDES (when altering 1 acre of land or more)

### **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. The Building Commissioner has up to 30 days to review a Building Permit Application upon receipt of a complete application with all applicable signature and information.

All Building Permit Applications will require the signature of the Tax Collector. Most applications will require a signature from the Conservation Commission, Board of Health and Fire Department.

Note: Demolition Permits require a signature from the Historical Commission. The Historical Commission has up to six (6) months to review an application for demolition.

## **You're not quite done yet!**

Other permits that you still may need include, but are not limited to the following:

- ✓ Electrical Permit
- ✓ Gas Permit
- ✓ Plumbing Permit
- ✓ Wood Stove Permit.

## **IV. What to Expect:**

When your design work is complete, you are ready to apply for your permits. Preparing an application is not always simple. This Guide will help provide direction, 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 upon receipt of completed application (usually issued within 1-2 weeks)
- ✓ 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
- ✓ Fire Department Permits: 1 – 2 days
- ✓ Sewer/Water Connection Permits: 1-2 days
- ✓ Site Plan Special Permits: up to 3 months
- ✓ Simplified Low Impact Development Permit: up to 45 days



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 respective appeal periods.

### **Abutters List**

Hearings for various Boards and Commissions require a certified abutter's list as a part of the application. The abutter's list can be obtained by request at the Assessor's Office for a nominal fee.

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

You can contact the Assessor's Office at 978-827-4100 x 111 or [dburton@ashburnham-ma.gov](mailto:dburton@ashburnham-ma.gov).

Abutter's List Request Form is also available on our website at [www.ashburnham-ma.gov](http://www.ashburnham-ma.gov).

### **Public Hearing Procedure**

Some permits require a Public Hearing before a permit may 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. 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.

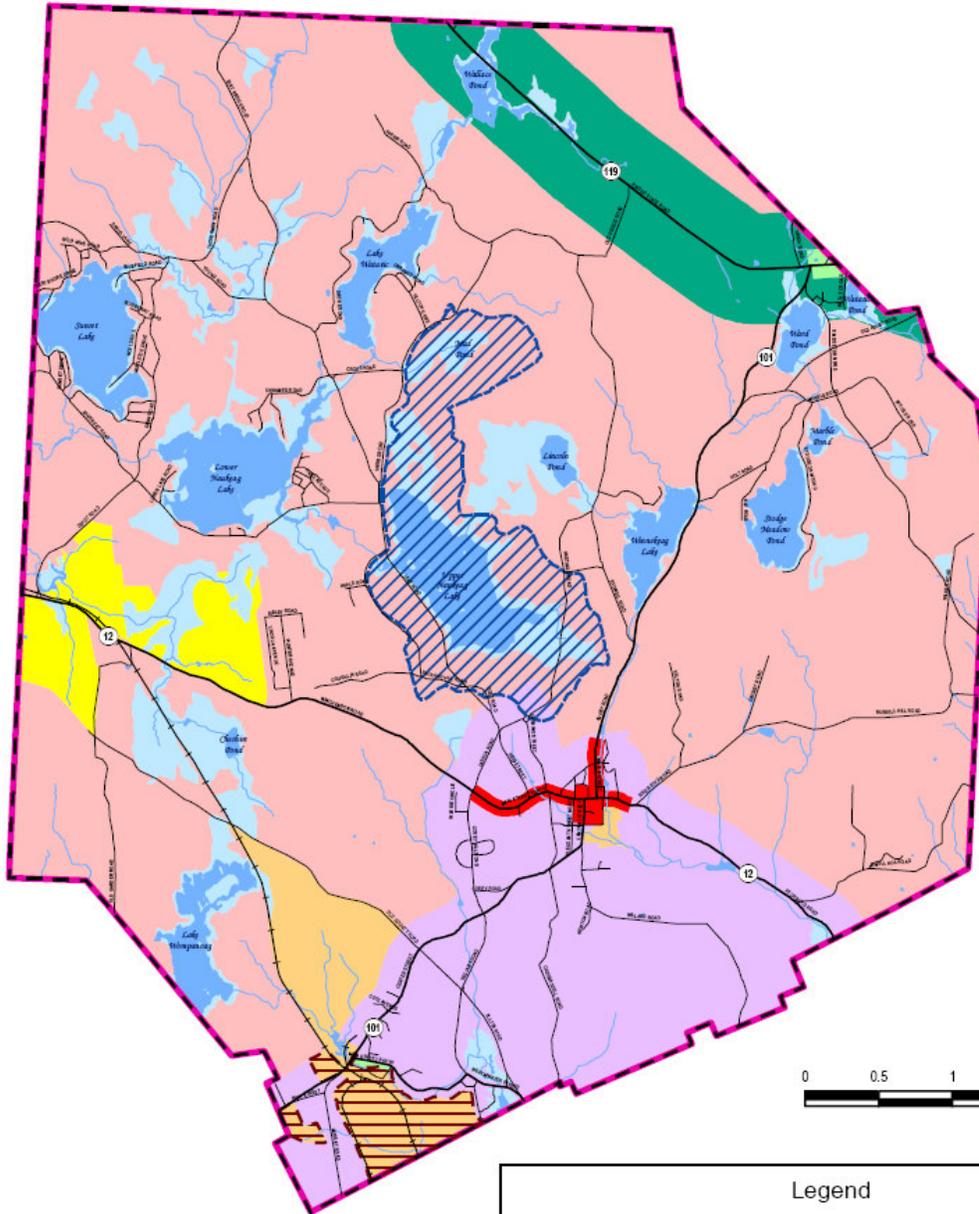
You or your representative should attend the Hearing to present the application and state the reason(s) why the permit or approval should be granted. After your presentation, Board members will offer their comments and questions. The chairman will solicit comments from the abutters and other members of the public. Any citizen may speak in person, or through an agent or attorney, at any Hearing. A Hearing may be continued if more information is required for the Board or Commission to make a decision. 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.

### **Decision**

Within a specified period of time following the Close of the Public Hearing pursuant to applicable Regulations, a Decision, Permit, or other determination shall be granted and sent to the Applicant by certified mail. A Decision, Permit, or other determination may or may not have an associated Appeal Period. No activity may proceed until all Appeal Periods lapse and said Decision, Permit, or other determination is recorded at the Registry of Deeds and proof of recording provided to the appropriate Board, if applicable.

**~NOW THAT YOU'VE OBTAINED YOUR PERMITS,  
PLEASE DO NOT FORGET TO REQUEST YOUR INSPECTIONS ~**

# Town of Ashburnham, MA Zoning Map



**DATA SOURCES:** MassGIS, MRPC, Ashburnham Assessors Records, & Ashburnham Zoning Changes Adopted May Town Meeting 2007, as Approved by the Attorney General, 08-27-2007.

**DISCLAIMER:** The information depicted on this map is for planning purposes only. All data are representational and are not adequate for boundary definition, regulatory interpretation, or parcel-based analysis.

Map prepared by Eric R. Smith, Ashburnham Town Planner, based on existing 2004 MRPC Zoning Map

Legend	
<b>Zoning Districts</b>	
	Residential-A
	Residential-B
	Business
	Green Business
	Village Center
	Industrial
	Light Industrial - B
	Wetlands and Watershed Protection
	Town Boundary
	Major Roads
	Roads
	Rail Lines
	Streams & Rivers
	Lakes & Ponds
<b>Zoning Overlay Districts</b>	
	Light Industrial A
	Adult Entertainment
	Water Supply Protection

**Town Offices  
32 Main Street  
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**Assessors 978-827-4100 x 111  
Board of Appeals 978-827-4100 x 117  
Board of Health 978-827-4100 x 116  
Building Department 978-827-4100 x 117  
Conservation Commission 671978-827-4100 x 115  
Department of Public Works: 17 Central Street: 978-827-4120  
Fire Department 978-827-4021  
Land Use Office 978-827-4100 x 117  
Planning Board 978-827-4100 x 121  
Police- Administration 978-827-4107  
Tax Collector 978-827-4100 x 113  
Town Administrator/Bd. of Selectman 978-827-4100 x 109  
Town Accountant 978-827-4100 x 120  
Town Clerk 978-827-4100 x 114  
Town Treasurer 978-827-4100 x 112**

### **TOWN OFFICES 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 Ashburnham, 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.

**Town Offices are open  
Monday 8:00 AM to 7:00 PM,  
Tuesday through Thursday 8:00 AM to 4:00 PM  
and Friday 8:00 AM to 1:00 PM  
(except holidays)**

Due to inspections in the field; you are strongly advised to call the office you are seeking assistance from prior to visiting the office to guarantee the staff's availability.