

APPENDIX 6

3.8 Town of Groton Guide to Permitting

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Guide to Permitting Town of Groton, MA

Introduction

The purpose of this guidebook is to assist homeowners, property and business owners, developers, brokers and contractors who want to develop land within the Town of Groton. The intent is to streamline permitting by providing clear, easy-to-follow procedures that outline the development review process.

This guidebook is not all-inclusive with regard to necessary approvals and permits that may be required for a particular project, but it does provide a basic overview of the Town's development review and permitting process. The permits the applicant will need and their accompanying procedures will depend upon the type of development the applicant plans to undertake. As a general rule, all permits require payment of fees. The permit fees are available at each permit and license office.

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

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

- 1. Contact the Land Use Director/Town Planner** to schedule a preliminary consultation meeting during regular business hours. The Land Use Director/Town Planner is the single point of contact for the purposes of coordinating and facilitating the permitting process (See Section C1 for Town Department contact information).

While the Land Use Director/Town Planner has no authority to negotiate any commitments that would bind any issuing authority, the Land Use Director/Town Planner will be able to help the applicant determine if the project meets the applicable requirements and regulations, what permits will most likely be needed, and approximately how long the process will take.

The Land Use Director/Town Planner can also provide the applicant with application forms, Zoning Bylaws and other Town Regulations and Bylaws the Town Center Avenue Overlay District Priority Development Site Guidebook, the Parking and Traffic Calming Committee Report, the Infrastructure Evaluation Report, permit procedures, and information on meeting schedules, among other pertinent data. A Permit Matrix along with a brief description of each Issuing Authority is also available to assist applicants.

- 2. Submit a completed Form of Intent to the Land Use Department.** The information provided on the form will enable Town Hall staff to assist the applicant in the permitting process. Please fill out the form completely with as much information as possible about the proposed project. The form will be distributed to Town Departments for comments. The comments will be forwarded to the applicant.

PERMIT	ISSUING AUTHORITY
Certificate of Appropriateness	Historic Districts Commission
Driveway Access (curb cut)	DPW Director
Demolition Delay	Historical Commission
Earth Removal Exemption	Board of Selectmen
Fire Flow Test	Water Department
Promotion of Harmonious Development	Planning Board
Road Opening	DPW Director
Scenic Roads	Planning Board/Tree Warden
Sewer Connection	Sewer Commission
Sign Permit in Historic Districts	Historic Districts Commission
Sign Permit not in Historic Districts	Sign Committee
Sign Permit as part of Site Plan Review	Planning Board
Site Plan Review	Planning Board
Special Permit	Planning Board *
Stormwater Permit	Earth Removal-Stormwater Committee
Underground Storage Tank	Board of Selectmen
Variance	Zoning Board of Appeals
Water Connection	Water Commission
Water Extension	Water Commission

If any aspect of the proposed development requires zoning approval (Appeal, Special Permit, Variance, Waiver) the Land Use Department will advise the applicant and direct them to the appropriate regulatory body

The Form of Intent does **NOT** include applications for permits or approvals under the Wetlands Protection Act, GL Chapter 131, §40, or the Wetlands Protection By-Law, Chapter 215 of the Code of the Town of Groton. The applicant shall submit the forms required by the Department of Environmental Protection and the Conservation Commission. If such submissions are made concurrently with submission of the Master Application, however, the Conservation Commission shall act on such application submissions within the 180-day deadline applicable to the permits covered by the Master Application.

Additionally, the Form of Intent does not include applications for building permits; nor does it include applications for Approval Not Required endorsements under G.L. c. 41, §81P, or other applications under the Subdivision Control Law, G.L. c. §§81K et seq.

- Schedule preliminary consultation meetings with the Land Use Departments/ .** Within ten (10) business days of the Land Use Director/Town Planner’s receipt the Form of Intent, the Land Use Department will hold a meeting to determine whether or not the application is complete. The Land Use Director /Town Planner will schedule the meeting on the first or third Wednesday of the month at 10 AM in the Groton Town Hall

The purpose of the preliminary consultation meeting is to help applicants through the development review and permitting process by identifying regulations that apply to the project, identify site design issues that are of concern and discussion of potential solutions, identify permits that will be required and the process for obtaining them, clarifying

procedures, and establishing relationships early in the process. Not only does this allow prospective applicants to discuss proposed developments and receive input prior to officially submitting permit applications but it also helps departments to find solutions that meet the needs of multiple boards and commissions further facilitating the permitting process.

In an effort to make these preliminary consultation meetings as productive as possible, it is essential that the applicant submit a preliminary plan or conceptual plan for informational purposes to the Land Use Director/Town Planner at least one week prior to the first scheduled preliminary consultation. This will enable the Land Use Department to conduct a meaningful and productive preliminary review. The minimum requirements for information to be included in the preliminary or conceptual plan are set forth in the Form of Intent Application; the more detail contained on the plan, however, the more productive and informative the meetings will be.

Upon completion of the preliminary consultation meetings, the Land Use Director/Town Planner will prepare a Summary Report outlining the issues discussed and identifying the permits to be obtained for the proposed project. This Report will be forwarded to the applicant and to all Issuing Authorities that have jurisdiction over one or more aspects of the project within ten (10) business days. The Land Use Director/Town Planner shall also provide the applicant with a comprehensive packet of permit applications necessary for the project.

4. All Issuing Authority Meetings will be scheduled within 30 days after an application is submitted.

Notice of the requisite public hearings shall be given for zoning and subdivision matters by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing. Notice shall be sent by mail, postage prepaid, to the parties in interest, including the applicant, the land owner(s) if other than the applicant, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the project site, including land in another municipality, as they appear on the most recent applicable tax lists, the planning board of the city or town, and the planning board of every abutting city or town.. The assessors maintaining any applicable tax list shall certify to the Board of Selectmen the names and addresses of persons entitled to notice of public hearing under this section, and such certification shall be conclusive for all purposes. Expenses for notification of abutters have been included in the required application fees.

Prior to the conclusion of the public informational meeting, each Issuing Authority shall determine its first meeting date with the applicant, and notify the Land Use Director/Town Planner of such date. The Land Use Director/Town Planner will also schedule one or more meeting(s) with the Design Review Committee for purposes of that Committee's providing a recommendation to the Planning Board pursuant to §218-30.2. It should be noted that meetings with the Design Review Committee will continue periodically throughout plan review, site development and building construction.

Any Issuing Authority may require the applicant to provide reasonable additional technical data due to the specific nature of the project and site. In doing so, the Issuing Authority shall establish reasonable time limits for the submission and review of the data, in order that the

review process will not be delayed. At any time prior to a decision of an Issuing Authority the applicant may withdraw a submission provided the withdrawal is made in writing to the Land Use Director/Town Planner and the applicable Issuing Authority or Authorities. The withdrawal shall be acknowledged in writing by the Land Use Director/Town Planner with a copy delivered to the applicant, filed with the Town Clerk, and copies distributed to the Issuing Authorities.

The Land Use Director/Town Planner shall set up a monthly reporting system. Each Issuing Authority shall provide a written monthly status report to the Land Use Director/Town Planner, due no later than the first Tuesday of each month, which shall identify the status of the permit, license or other approval within the issuing Authority's purview under the Master Application. The Land Use Director/Town Planner shall forward copies of the status reports to the Land Use Department for review at its next scheduled meeting.

5. **If, after notification has been sent that an application is complete,** an Issuing Authority determines that a previously unidentified permit or other pre-development review process is necessary, it shall immediately notify the applicant of such additional requirements by certified mail and copy the Land Use Director/Town Planner. Where public notice and comment or hearings are not required for the previously unidentified permit, the Issuing Authority will complete its action of the previously unidentified permit within 30 days of receipt of the completed additional application or not later than the latest required decision date for a pending permit, whichever is later. Where public notice and comment or hearing are required for the previously unidentified permit, the required action date on such permit shall be not later than 30 days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication allows.
6. **Except as otherwise provided in G. L. c. 43D, or except as waived or extended for good cause, each Issuing Authority must act on the permit, license or other approval within its purview and file its decision with the Town Clerk within the time period, if any, required by the applicable law, but in no event later than 180 days after the date of mailing of the notification that the Master Application is complete.**
 - The 180 day period may be waived or extended for good cause upon written request by the applicant with the consent of the issuing authority with the consent of the applicant.
 - The 180-day period may be extended for up to 30 days in the event an additional permit or other predevelopment review is required, if the requirement has been determined no less than 150 days after the notification of completeness.
 - The 180-day period may be extended when the Issuing Authority determines that either: (a) action by a federal, state or other municipal governmental agency is required before the Issuing Authority may act; or (2) that judicial proceedings affect the ability of the Issuing Authority or the applicant to proceed with the application; or (3) enforcement proceedings that could result in revocation of an existing permit for the facility or activity and in denial of the application have commenced, and provides written notification to the Secretary of the Executive Office of Economic Development. When the reason for the extension is no longer necessary, the Issuing Authority will immediately notify the applicant, and will complete its review within 180 days after the notice is given to the applicant.

Failure of any Issuing Authority to take action within the required time after filing of a complete Master Application, shall be deemed approval with a very limited number of exceptions).

8. **The applicant can request a permit modification if deemed necessary .** Permit modification requests are to be submitted to the Land Use Director/Town Planner. The applicant shall be informed within 20 business days of receipt of a request whether the modification is approved, denied, determined to be substantial or requires additional information for the Issuing Authority to issue a decision. If additional information is required, the issuing authority shall inform an applicant by certified mail within 20 business days after receipt of the required additional information whether the modification is approved or denied or that further additional information is required by the Issuing Authority in order to render a decision.

9. **The applicant shall apply for all other development related permits, approvals and licenses from the Commonwealth of Massachusetts and Federal Permits.** While the Land Use Director/Town Planner, Land Use Departments , and Issuing Authorities can provide guidance, the applicant is responsible for applying for all state and federal permits required for the project. Section A3 of this document provides an overview of some common state and federal permits that may be necessary for the project.

Chapter 43D requires that MEPA and Massachusetts Historic Commission reviews (see Section A3 for a list of potential state permits) shall conclude within 120 days of a state determination of completeness of required review materials (400 CMR 2.16). The reviews are conducted concurrent to the 180-day municipal review period.

10. **The applicant is responsible for the recording of certain permit(s) at the Registry of Deeds.** Recording is required for Special Permits, Variances, and Orders of Conditions.

11. **Permits shall not transfer** automatically to successors in title, unless the permit expressly allows the transfer without the approval of the Issuing Authority.

12. **Apply to the Building Inspector for a Building Permit.** Upon receiving all necessary permits, approvals and licenses from regulatory bodies, Boards, and Commissions and any necessary state and federal approvals, the applicant will need to submit them to the Land Use Director/ Town Planner before applying for a Building Permit.

Federal and State Permits and/or Approvals

The following list was adapted from the Commonwealth's Sample Guidebook. The list is by no means exhaustive, and if any question exists the applicant are encouraged to seek legal counsel. The majority of small development projects will not have need for any federal or state permits or approvals, but as projects increase in size and complexity, the applicant should be aware of the potential applicability of any one or more of the following:

FEDERAL PERMITS

1. **National Environmental Policy Act, or "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. The permit may be a programmatic general permit, an individual permit or an official letter of permission.
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 banks 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 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 Historical Commission.
8. **Environmental Protection Agency Stormwater Notices of Intent and/or NPDES Permits** 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, or “MEPA”** requires state agencies to evaluate the environmental impact of all projects or activities undertaken by state agencies, 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 Water Act, Sewer Extension/Connection Permits** are required for the connection of a project to a sewer system unless exempted. There are pretreatment requirements for industrial users, which must be coordinated with the permitting requirements of the Groton Sewer Department.
3. **Massachusetts Clean Water 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 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 an unanswerd 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. **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.

5. **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.
6. **Hazardous Waste Management Act** 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 Groton Fire Department for information.
7. **Massachusetts Historical Commission Approval** must be obtained if a designated historical or archeological landmark will be altered or affected by a project undertaken by a state agency or any private party seeking any state funding, permits or licenses for the project.
8. **State Highway Access Permit** must be obtained in writing from the Massachusetts Highway Department if a project will involve the creation, alteration, expansion or substantial impact upon opening onto a state highway. This includes property which has access directly onto state highways and property which abuts a state highway layout.
9. **Wetlands Protection Act, MGL Ch. 131,§40** requires a landowner to obtain a permit (Order of Conditions or Determination of Applicability) from the local Conservation Commission prior to doing any work within 200 ft. of perennial streams or 100 ft. of wetlands or the 100-year floodplain.

Permit Matrix

	Board of Assessors	Board of Health/NARH	Board of Selectmen	Building Department	Conservation Commission	Earth Removal Stormwater	Fire Chief	Public Works/Tree Warden	Groton Electric Light Department	Historic Commission	Historic Districts Commission	Planning Board	Police Department	Sewer Department	Sign Committee	Water Department	Zoning Board of Appeals
1. Alcoholic License			1														
2. Zoning Determination				2													
3. Zoning Appeals																	3
4. Approval Not Required Plan (ANR)												4					
5. Building Permits				5													
6. Certi of Appropriateness											6						
7. Certificate of Occupancy				7													
8. Common Victualler's License			8														
9. Curb Cut Permit								9									
10. Definitive Subdivision Plan												10					
11. Demolition Delay Permit				11						11							
12. Earth Removal Permit			12			12											
13. Electrical Permit				13													
14. Electrical Connection									14								
15. Fire Alarm//Suppression				15			15										
16. Fire Flow Test																	16
17. Gas Permit				17													
18. Hazardous Materials							18										
19. Plumbing Permit				19													
20. Subdivision Plan												20					
21. Private Well		21															
22. Promotion of Harmonious Development			22														
23. Road Opening Permit								23									
24. Scenic Roads Permit								24									
25. Sewer Connection Permit-municipal														25			
26. Septic Disposal System		26															
27. Sign Permit in Historic Districts											27						
28. Sign Permit Not in Historic Districts															28		
29. Site Plan Review												29					
30. Special Permit												30					30
31. Stormwater Permit						31											
32. Street Opening Permit								32									
33. Trench Permit (effective 1-1-2009)																	
34. Variance		34															34
35. Water Connection Permit																	35
36. Water Extension Permit																	36
37. Wetlands					37												

Department Contacts

Single Point of Contact – Land Use Director/Town Planner

Telephone: 978.448.1105

Fax: 978.448.1113

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Board of Assessors

Telephone: 978.448-1127

Fax: 978.448.1115

E-mail: assessors@townofgroton.org

Board of Health

Telephone: 978.448.1120

Fax: 978.448-1113

E-mail: health@townofgroton.org

Board of Selectmen

Telephone: 978.448.1111

Fax: 978.448.1115

E-mail: selectmen@townofgroton.org

Sign Committee

Telephone: 978.448.1105

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E-mail: landuse@townofgroton.org

Building Commissioner

Telephone: 978.448-1109

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Conservation Commission

Telephone: 978.448-1106

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E-mail: conservation@townofgroton.org

Earth Removal/Stormwater Advisory Committee

Telephone: 978.448-1105
Fax: 978.448.1113
E-mail: planning@townofgroton.org

Fire Chief

Telephone: 978.448-6333
Fax: 978.448.1116
E-mail: fire@townofgroton.org

Groton Electric Light Department

Telephone: 978.448-1150
Fax: 978.448.1159
E-mail: geld@grotonelectric.org

Public Works Department/Tree Warden

Telephone: 978.448-1162
Fax: 978.448.1115
E-mail: highway@townofgroton.org

Historic Districts Commission

Telephone: 978.448-1109
Fax: 978.448.1113
building@townofgroton.org

Planning Board/Design Review Committee

Telephone: 978.448-1105
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E-mail: planning@townofgroton.org

Police Chief

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Town Clerk

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Water Department

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