

Section Two: THE PERMITS

Introduction

There is an enormous and bewildering amount of permits, licenses and approvals that must be issued by the Town; only the most common ones related to development projects are summarized here. Only your research, meetings and discussions with the applicable Town Staff outlined in this book will identify all the permits you and your project are likely to need before it can be built.

North Reading is divided into:

1. **Residential Districts** [Residence District A, Residence District B, Residence District C, Residence District D, Residence District E, Residence District M and Residence District R]
2. **Business Districts** [Local Business District, General Business District and Highway Business District]
3. **Industrial Districts** [Industrial District A, Industrial District B, Industrial District C and Industrial/Office District-1].



There are also TWO overlay districts: **The Aquifer Protection District** [Section 200-38 of the ZBL], **the Floodplain District** [Section 200-44], and **the Historic District**].

- ***Aquifer Map***
- ***Floodplain Map***
- ***Historic District Map***

As you can surmise, it is very easy to become confused about what can or cannot be done, or even when it can be done, without meaning to violate local bylaws.

- ⇒ Your proposed project will be in one, or possibly more, of North Reading's many zoning districts. The uses permitted within each district are listed in Section 200-33 of the Zoning Bylaw. **Start there to determine if your proposed use is allowable in the zoning district in which your property is located.**
- ⇒ **If the use is not permitted, then your project will not and cannot be permitted.** The Board of Appeals cannot grant you a variance from this most basic rule: if it's not allowed, it can't be permitted.

- ⇒ Some land uses in a zoning district are permitted as a landowner's right; while others may require a Special permit from the Special Permit Granting authority [SPGA] named for that use. If the Zoning Bylaw says that your proposed use is allowed by Special Permit, then you must obtain that special permit from the Special Permit Granting Authority as defined in the Zoning Bylaw before you can proceed.
- ⇒ If your proposed use is allowed unconditionally within the district, then you may apply for the necessary permits you will need to construct your project, complying with the general zoning regulations regarding signs, non-conforming uses, off-street parking, accessory buildings, home occupations, etc. detailed in the Zoning Bylaw. Dimensional requirements for permitted uses with respect to minimum lot area, building height, setbacks from lot lines, floor area ratios and maximum lot coverage, as well as contiguous buildable area, open space, landscaping and parking facilities, can be found on Page 20107 and referred to as Article XII, Section 200-67; "Town of North Reading – Table of Dimensional and Density Regulations" within the Zoning Bylaw.

Take heed that the special permit is NOT a matter of landowner right, and is NOT automatic; it is DISCRETIONARY. The SPGA can and will consider such things as consistency with the Master Plan, congruity with surrounding uses, neighbor and neighborhood acceptance, and other site or neighborhood-specific issues, and it may require measures to mitigate the expected impact of your intended land use upon the surrounding neighborhood, if it decides to grant the special permit at all.

Still following along so far??? Good! Then here is a summary of some permits and approvals you may need:

VARIANCES TO THE ZONING BYLAW [Article VI of the Zoning Bylaw]

The Zoning Board of Appeals, or ZBA, is empowered to grant variances from the terms and conditions of the Zoning Bylaw under specific circumstances where literal interpretation of the Bylaw would impose a substantial hardship, financial or otherwise, to the petitioner or applicant, but only desirable relief may be granted if:

- a. when substantial circumstances relating to soil conditions, shape or topography of the land or structures are affected in a special way, but not the zoning district in general; and
- b. where relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

A public hearing must be held, and the ZBA may impose conditions, safeguards and limitations of time and use, IF it decides to grant the variance. Please note that the ZBA is under no legal obligation to grant the variance and in absolutely no circumstances can it grant a variance to allow a prohibited use within a district.

One of the most commonly asked questions of the Building , Zoning and Planning Departments are “What are my setback requirements?”. For your convenience, we have summarized them in a table below for you. If you are not sure what zoning district your property is located in, please refer to the zoning map located in Section 3, the process, or look it up at the town website, www.northreadingma.gov .

SUBDIVISION APPROVAL [Rules and Regulations Governing the Subdivision of Land in North Reading]

If your project involves subdivision of land into lots and parcels and requires street construction to provide vehicular access to those lots, you must obtain subdivision approval from the Community Planning Commission. Obtain the most recent set of “Rules and Regulations governing the Subdivision of Land” from the Community Community Planning Department. A public hearing must be held, and the PB may impose conditions and safeguards in their conditional approval.

If you don’t have to build a new street to provide access to your new lots, then you may be able to obtain a signoff from the Community Planning Commission on an “approval-not-required” subdivision application form, also available from the Community Planning Department.

SITE PLAN REVIEW [Article XVII of the Zoning Bylaw]

Site Plan Review is required with the following types of construction:

- All proposed retail, service, commercial, wholesale, transportation and industrial developments, redevelopments or expansions is required prior to the issuance of any building permit in connection with such development, redevelopment or expansion. Likewise, prior to the issuance of a certificate of occupancy, all conditions of said site plan approval must be met.
- The construction of any new wireless service facility on a previously permitted facility as set forth in Article IX, Section 200-46 of the Zoning Bylaw.

Site Plan Reviews are undertaken by the Community Planning Commission, as a Special permit application, which as you’ll remember, is discretionary. If and when approved by the Community Planning Commission, the Site Plan becomes the official development plan for the site, is legally binding Also, Site Plan Regulations have been adopted by the Community Planning Commission and specify desired types of buildings and landscape design in certain districts, etc.

AQUIFER PROTECTION DISTRICT SPECIAL PERMIT [Article VIII, Section 200-38]



The Aquifer Protection District is an overlay district that includes the Town of North Reading well fields and surrounding drainage basins. If your proposed development lies within this District that overlays the basic zoning map of the Town, then the regulations for this overlay district, which are more restrictive than those of the underlying district, take precedence. Uses

that might be permitted in the underlying zone will not be permitted in the Aquifer Protection District, while most others will require a Special Permit. The Zoning Board of Appeals is the Special Permit Granting Authority.

FLOODPLAIN PROTECTION DISTRICT [Article IX, Section 200-44 of the Zoning Bylaw]

If your proposed project is within the overlay FloodPlain District, defined on North Reading's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps on file with the Conservation Department and Town Clerk, then your project must comply with all Massachusetts State Building Code Requirements dealing with construction in floodplains. The Community Planning Commission is the special permit granting authority and no new building shall be erected or constructed and no existing structure shall be altered, enlarged or moved without first obtaining a special permit from the CPC. A special permit is not issued unless for encroachments [including fill and improvements to existing structures] into the defined floodway unless certified by a registered professional engineer that the encroachment will not increase the flood levels if a 100-year flood occurs. The Conservation Commission and Town Engineer must concur with this submitted certification. Structures located in or alterations to the flood channel or watercourse, as well as accessory buildings or structures used for human abode are prohibited in the floodplain district.

HISTORIC DISTRICT CERTIFICATE OF APPROPRIATENESS



North Reading has one historic district that encompasses much of the olde village center of town. Any development, new construction, demolitions or alterations to existing buildings in the Historic District are subject to regulations designed to preserve the historic and architectural integrity of the District. Besides any approvals and permits you may require from the Community Planning Commission, Conservation Commission, Board of Health, and others, you will also need a Certificate of Appropriateness from the Historic District Commission. Applications for a certificate may be obtained from the Community Planning Commission.

BOARD OF HEALTH PERMITS [Chapter 105 of the Code of Massachusetts Regulations]

Permits you may need from the Board of Health include those for construction of a septic system and other wastewater disposal techniques, storing and handling hazardous materials, running a restaurant or catering business, obtaining a dumpster permit, ,permitting or licensing of tobacco sales, frozen dessert establishments, funeral directors, septic installers, massage therapists, tanning establishments, food establishments, semi-public and public pools & spas, mobile food vendors, recreational camps for children and body art establishments.

WETLANDS PERMITS [MGL Chapter 131, Section 40]

Work within 100 feet of a wetland as defined by the Massachusetts Wetlands Protection Act and the North Reading Wetlands Bylaw is regulated by the North Reading Conservation Commission. **Have Mary insert something about the 12', 25' and 50' buffer here.** Many kinds of development are prohibited in such areas, and those that are allowed will require a permit called an Order of Conditions from the Conservation Commission. The Order of Conditions may specify special construction techniques to allow work to proceed while protecting any nearby wetlands. The Conservation Department has handouts which will be helpful to you if your project is near a wetland.

SIGN PERMITS [Section XIV of the Zoning Bylaw]

The North Reading Zoning Bylaw regulates the size, location, design and number of signs that may be allowed as part of a project. The Building Commissioner is the Sign Officer for the town and enforces this bylaw. All signs requires a Sign Permit from the Sign Officer as indicated in Section 200-79(a) of the Zoning Bylaw. This permit can only be issued after an application is filed on the appropriate sign application form, available from the Building Department Office.

Special Permits are issued by the Community Planning Commission for Master Signage Plans for Shopping or Business Centers greater than one which share the same lot using common points of ingress and egress and/or common parking facilities. In exchange for receiving a master signage plan special permit and its criteria, the applicant may be permitted up to a 25% increase in the maximum total sign area.

WORK WITHIN PUBLIC WAYS

Any work within a public way owned and maintained by the Town of North Reading , including the installation of driveways or utility lines, requires a permit from the North Reading Department of Public Works.



STATE AND FEDERAL PERMITS

Depending on the size and nature of your proposed project and its suspected environmental impact, you may need one or more permits from the state or federal government. Some of the most common are:

- ❖ A curb-cut permit from the Massachusetts Highway Department for work that will have vehicular access on a state highway [e.g., Routes 28 and 62];
- ❖ A permit from the Army Corps of Engineers for work affecting any wetlands over 5,000 square feet [about 0.1 acre] in size;
- ❖ A 401 Water Quality Certification is required under the federal Clean Water Act for certain activities impacting 5,000 s.f. of wetlands and / or navigatable waterways. The purpose of a state 401 review is to ensure that a project will comply with state water quality standards and other appropriate requirements of state law. 401 Water Quality Certification is issued by the Bureau of Resource Protection (BRP): Wetlands & Waterways (Division of DEP).

- ❖ A Certificate of Compliance from the Massachusetts Executive Office of Environmental Affairs [MEPA] for certain types of projects.

Town staff [the Community Planning Director, Building Commissioner, Conservation Agent, Public Health Director, Town Engineer] may be able to assist you in ascertaining the need for such federal and state permits and put you in touch with the appropriate agencies, but cannot help you file your permit applications; it is your responsibility to ensure compliance with any federal and state permit requirements, not the Town's.



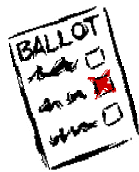
BUILDING PERMIT

You must have successfully obtained all other permits from the Town's regulatory boards by the time you get to this permit, the last one you'll need before starting construction of your project. Before issuing a Building Permit, the Building Commissioner will check one last time for Zoning Bylaw compliance, and review your building plans for compliance with the Massachusetts building codes, plumbing codes, electrical codes and federal and state handicapped access standards, if applicable.

OTHER PERMITS AND LICENSES




What if you are not building anything, but rather want to simply register your dog, or burn leaves, or get married? There are too many permits and licenses issued by various town departments to write a description of each; this guidebook would become too large and intimidating for anyone to bother reading! If you know or suspect that some activity you are contemplating may require a permit, speak to the department head [also listed in the beginning of this book] of that department which you suspect you may need a permit from the list below. That person will answer or obtain answers to your questions and provide you with the information you need to proceed.

The following list of permits and approvals issued by other town offices/departments that were not discussed above may help you decide whether you need to see that department head about a particular proposed activity.





Town Clerk

- ✚ Certified Copies of Birth, Death and Marriage Certificates
- ✚ Certified Copies for Community Planning Commission, Board of Appeals and Conservation Commission Decisions
- ✚ Business Certificates [doing business as]
- ✚ Dog Licenses
- ✚ Fishing, Hunting, Sporting Licenses
- ✚ Gas/Oil Storage Licenses
- ✚ Marriage Application and License

-  Raffles – Bazaar Permits [requires records check from Police Department]
-  Uniform Commercial Code – Filings, Copies and Certified Copies
-  Voting Registration

Fire Department

 Permit Type	Reference
Blasting	527 CMR 13.04(2), 13.04(11)
Bonfires and Burning Christmas Trees	527 CMR 10.23
Bowling Pin and Lane Refinishing	527 CMR 10.15
Cannon and Mortar Firing	527 CMR 22.03
Cellulose Nitrate Film	527 CMR 10.27
Combustible Fibers	527 CMR 28.03
Compressed Natural Gas (CNG)	527 CMR 26.08
Covered Mall Buildings	527 CMR 10.26
Crop Ripening or Color Processing	527 CMR 35.03
Cutting and Welding	527 CMR 39.04
Dust Explosion Prevention	527 CMR 10.16
Explosives and Black Powder	527 CMR 13.04
Fire Protection Equipment	527 CMR 10.03(15); M.G.L. c. 148 § 27A
Fire Protection System	527 CMR 10.03(15)
Fireworks, Display	527 CMR 2.05; M.G.L. c. 148, § 39A
Fireworks, Manufacture, Storage and Handling	527 CMR 2.03; M.G.L. c. 148, § 12
Flammable and Combustible Liquids	527 CMR 14.03, 15.04; M.G.L. c. 148. § 23
Flammable Gases and Solids	527 CMR 14.03
Fuel Transfer Operations	527 CMR 5.08
Fumigation and Insecticidal Fogging	527 CMR 10.06
Hazardous Substances, Left Unattended	527 CMR 25.08
Limited Special Effects	527 CMR 2.09
LP-Gas	527 CMR 6.08
Matches	527 CMR 10.18
Oil Burning Equipment	527 CMR 4.03
Open Air Fires	527 CMR 10.22
Ovens and Furnaces	527 CMR 10.19
Rubbish Containers	527 CMR 34.03
Salamanders	527 CMR 20.01

 Permit Type	Reference
Special Seasonal Decorations	527 CMR 21.02
Storage, Combustible Material	527 CMR 10.03
Tank Vehicles Parked Overnight	527 CMR 8.04, 14.03
Tanks and Containers	527 CMR 9.06, 9.07; M.G.L. c. 148, § 38A
Tar Kettles on Roofs	527 CMR 10.03
Tire Recapping and Rebuilding Plants	527 CMR 10.21
Tire Storage	527 CMR 10.03
Torches and Heat Producing Devices	527 CMR 10.24
Transportation of Combustible Liquids	527 CMR 8.04

Public Works



Street Opening/Excavation Permit

Driveway Permit

Water Department Permit



Police Department



Auctioneers License

License to Carry Firearms/Handguns

Federal Identification Cards – Rifles and Shotguns