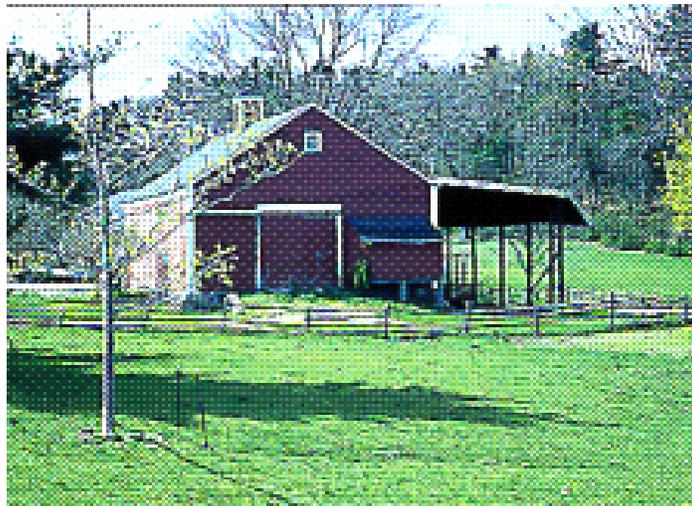


TOWN OF SHERBORN

Permitting Procedures Manual



Including An Overview of:

- **Building Permit Requirements**
- **Board of Health Regulations**
- **Community Maintenance and Development Rules**
- **Conservation Commission Procedures**
- **Planning Board Processes**
- **Board of Appeals Requirements**
- **Historic District Commission Rules**

May 2004

Purpose

In recognition of environmental concerns and the need to protect the health, welfare, safety and aesthetics of our community, Sherborn has adopted and implemented zoning bylaws, subdivision and site plan rules and regulations, health rules and regulations environmental and historic district regulations. The local rules and regulations are based on state laws which generally set parameters or minimums and then allow individual cities and towns the discretion to vary these to suit local conditions and objectives. One exception is the Building Code, which is the same throughout the State, but local governments are required to administer and enforce it. Some of the boards, commissions and departments charged with adopting and/or enforcing these rules and regulations are the Planning Board, Conservation Commission, Board of Health, Building Department, Community Maintenance and Development, Zoning Board of Appeals and Historic District Commission.

This Manual is intended to generally identify the procedures and processes which the Town of Sherborn uses to approve projects. It is an attempt to highlight the planning necessary, the permitting required and the options available to individuals and developers who wish to consider a project within the Town. Proper planning will increase the likelihood that your project and design will be accepted, and reduce the risk of having to make significant, expensive, and time-consuming changes. The goal and purpose of this Manual is to familiarize you with the processes and permits required to build or develop property (including new construction, additions, new or changed driveways, new or replacement septic systems, etc.) in the Town of Sherborn so that the timeline for project development can be understood and streamlined. It is not intended to replace the more specific rules and regulations that each Board, Commission or Department is charged with promulgating and enforcing.

Notice

It is extremely important that you become familiar with the by-laws and the rules and regulations pertinent to your building or development project at the outset.

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Introduction/Initial Contacts

In general, if your project involves a new building or addition on an existing lot, then the Building Department should be your first point of contact. If your project includes the subdivision of land, or a new or expanded commercial facility, you should contact the Planning Board office first. In most cases, one or more other Boards, Commissions or Departments, including Board of Health, Conservation Commission, Board of Appeals, Historic District Commission and/or Community Maintenance and Development will also need to be involved. If you wish to research the rules and regulations on your own prior to beginning the permitting process, documents that you may find useful include the Zoning Bylaws and Zoning Map, Planning Board Subdivision Rules and Regulations, Board of Health Regulations, the Wetlands Protection Bylaw and the Conservation Commission's Wetlands Regulations.

Some of the factors you will need to consider include the existing zoning (which regulates the allowed uses, locations of buildings and other matters); impacts on wetlands, floodplains or streams; water supply and waste disposal; parking and traffic impacts; drainage and lighting. There are also requirements for minimizing temporary impacts during construction. This Manual offers a general understanding of these factors as well as the processes and procedures you need to follow and the boards, commissions or departments responsible for each. It is not meant to replace the official (and more detailed) documents mentioned above.

If you are not sure if the work you are planning requires any kind of permit, it is better to check with Town Hall first. The following list presents some, but not all, of the activities which require one or more permits or approvals from a Town Board, Commission or Department:

<i>New Houses</i>	<i>Tennis courts/Swimming pools</i>	<i>Subdividing land</i>
<i>Additions</i>	<i>Tents</i>	<i>Establishing a business</i>
<i>Decks</i>	<i>New roofs</i>	<i>Changing a business use</i>
<i>Porches</i>	<i>New driveways</i>	<i>Altering a business property</i>
<i>Garages</i>	<i>New/replacement wells</i>	<i>Removing trees or altering a</i>
<i>Barns</i>	<i>New/replacement septic systems</i>	<i>stone wall within a scenic road</i>
<i>Sheds</i>	<i>Wood Stoves/fireplaces</i>	<i>right-of-way</i>
<i>Demolitions</i>	<i>Structural changes</i>	

Presubmission Discussions

Presubmission discussions with Town Boards and/or their staffs are strongly encouraged. Delays and costly design changes in your project can often be avoided by discussing it with the appropriate entities in advance of doing any work or applying for permits.

Step One — Gather Information

The Town of Sherborn strongly encourages and welcomes pre-submission reviews for any and all projects. The amount of detail you need varies according to the nature of the project and the types of permits you will need. You may consult with the appropriate boards, commissions or departments to determine the level of detail that will be expected. At a minimum, your plans should show a rough layout and access to the lot as well as any likely wetlands, streams or flood plains that may be impacted, if available. Obtaining and reviewing the relevant rules and regulations from the pertinent boards, commissions or departments can significantly expedite the development process. At this point, it is not necessary to have a survey or engineered plans. You will receive guidance on the type of information and the level of detail required for your project.

When you know the location and approximate size of your building or development project and the uses contemplated, you should initiate contact with either the Building Department or Planning Board as noted above. Either of these will be able to direct you to the appropriate people in the Board of Health, Conservation Commission, Planning Board, Board of Appeals, Historic District Commission, Community Maintenance and Development, Police Department, or Fire Department as necessary. These Town agencies can tell you if your project seems feasible or what changes you should consider. They will also tell you which permits you are likely to need, roughly how long it will take to get them and whether public hearings will be required. A brief discussion of the roles of each of the major boards, commissions and departments appears on the following pages.

Helpful Hint

To the extent feasible, you should try to determine which permits or processes may be done concurrently and which must be done consecutively. For example, if you are planning an addition that requires a new septic system, you will need a wetlands determination for each. Be sure to request that ALL ASPECTS of your project are included in any wetlands determination.

Building Department

The Building Department enforces the Sherborn Zoning By-law and the State Building Code. It also issues building, occupancy and sign permits. In your discussions with the Building Commissioner you will want to identify what Zoning standards apply (such as allowed uses, minimum lot size and building setbacks), and obtain a flood plain determination. If your present or proposed use, lot or building does not conform with Zoning, you may need a finding, special permit or variance from the Zoning Board of Appeals. Under State law, specific criteria must be met in order for the Zoning Board of Appeals to grant a variance. The Building Commissioner can also provide guidance as to other departments, Boards or Commissions from which you may need permits or assistance.

As stated below, virtually all work performed on a structure, except minor non-structural repairs, requires a permit. This includes new structures or additions, bath and kitchen remodeling, reroofing, swimming pools, tennis courts, other fenced courts, etc. Items that do not require a permit include:

(a) Accessory buildings such as a tool shed or playhouse with a floor area of less than 120 ft²; (b) greenhouses covered exclusively with plastic film; (c) fences six feet in height or less, and retaining walls retaining less than 4 feet of unbalanced fill (and which the building inspector believes does not pose a public safety threat); and (d) ordinary repairs (such as replacing or repairing trim, siding, gutters or an occasional roof shingle. "Ordinary repairs" does **NOT** include the cutting away of any wall, partition, roof or portion thereof; the removal or cutting of any structural beam, column or other load-bearing support; the removal or change of any required means of egress, or rearranging the parts of a structure affecting egress requirements; alteration of, replacement or relocation of any standpipe, water supply, mechanical system, fire protection system, or energy conservation system; or any other work that affects public health or general safety.

In order to obtain a building permit, you must file an Application Form that is filled out **completely**. [Note: For a new building or addition, the Zoning Bylaw requires that you obtain Board of Health and Conservation Commission approval PRIOR to applying for a building permit. Renovations also require Board of Health approval prior to applying for a building permit] You also must submit plans or sketches of the project (the level of detail depends on the scale of the project), a plot plan indicating the proposed location of new structures or additions, and signed release forms from other boards as required for the specific project. The Appendix includes a copy of the Control Form that indicates the sign-offs that may be needed. Work must commence within six months or the permit expires. If you are unable to begin within six months, the Building Commissioner may grant an extension for six months upon written request by you, provided that no Zoning or Building Code changes affecting your project have been adopted. In no case will permit fees be returned due to work not beginning within the required period.

State Building Code:

"It shall be unlawful to construct, alter, repair, remove or demolish a structure; or to change the use or occupancy of a building or structure; or to install any equipment for which provision is made or the installation of which is regulated by the State Building Code without first filing written application with the building official and obtaining the required permit."

Planning Board

The Planning Board's role in development is to review and approve the subdivision of land, site plans, certain special permits, and the removal or alteration of trees and stone walls within the Town right-of-way along designated Scenic Roads. The Planning Board is governed by local, state and federal statutes regulating the development of land. It therefore must ensure that each project meets the spirit and intent of the local Zoning By-laws and Rules and Regulations of the Sherborn Planning Board as well as state and federal law, and the town's General Plan. As previously mentioned, the Planning Board strongly recommends pre-submission review for guidance on any project that you may want to develop in Sherborn. There is no fee for this service nor is there a limit on how many times you may appear before the Board for such pre-submission reviews.

Once a project is formally submitted to the Planning Board, there is an application fee and possibly a review fee that must be paid by the applicant if the Planning Board needs to retain an engineering firm, landscape architect or other consultant to advise it on traffic, drainage issues, construction standards and designs, and any other engineering-related or technical matters. Applicants are also responsible for legal advertising costs, recording fees, and possibly other incidental costs.

There are generally two methods by which land can be divided. One method is known as an Approval Not Required (ANR) plan. This applies to plans that simply adjust lot lines between abutting properties through sale or exchange or creating new building lots on an existing street if the lots have sufficient area and frontage and have adequate access. This is a simple process that does not require a public hearing and must be completed within 21 days of submittal. The other method is the process required under the subdivision control law. It is a formal procedure requiring public hearings and abutter notifications. This process is required if the project includes the construction of new streets as well as new building lots. It requires a careful analysis of construction standards, traffic patterns, drainage, etc. Any action that requires changing lot lines, under either process, requires a plan that must be prepared by a professional surveyor and/or engineer and signed by the Planning Board. Of course, the subdivision process requires much more detailed information on many plan sheets while the ANR process requires only a single sheet.

Site plans are required for new or expanding businesses or changes of use within a business district. The site plan must address issues such as traffic and parking, drainage, landscaping, lighting, etc. Certain properties qualify for a Planned Unit Development. This special permit process is a bit like a more intense version, and substitute for, site plan review.

The Planning Board also acts as the special permit granting authority for wireless communications facilities, elderly and affordable housing, reduced street frontage (back lots) and accessory parking/storage of automobiles. As mentioned above, it also administers the Scenic Road Act.

Town Planner

The Town Planner is available to discuss any development plans and provide guidance regarding the process before you apply.

Conservation Commission

The Conservation Commission administers the Massachusetts Wetlands Protection Act and Rivers Protection Act as well as the Sherborn Wetlands Bylaw and the Sherborn Wetlands Regulations . . . The Conservation Agent of the Conservation Commission has information on obtaining local, state or federal environmental permits. Any work within 100 feet of a wetland, including clearing, filling, grading, building or altering broadly defined may require a permit. Any work within 200 feet of a river or perennial stream also requires review by the Conservation Commission. Vernal pools are also within the jurisdiction of the Conservation Commission.

The Commission's mission is to protect public interest including public and private water supplies, ground water, flora and fauna and their habitat, and areas for passive recreation. It also endeavors to prevent or reduce flooding, and prevent erosion and pollution. It does this by overseeing any activity that may alter a resource area or its buffer zone. Resource areas include any bank, fresh water wetland, beach, marsh, wet meadow, bog, swamp, estuary, creek, river, stream, pond, lake, or vernal pool or any land under said waters. They also include bordering land subject to flooding (consisting of the 100-year flood plain) and isolated land subject to flooding.

The first step in any project that includes a new building, addition, septic system, well, driveway, demolition, swimming pool, tennis court, paddock, regrading, land clearing, etc. is to apply for a "Request for Determination of Applicability." This will determine whether there is a resource area that will be affected by your project and whether or not you need to submit a "Notice of Intent" to the Conservation Commission. After submission of a "Notice of Intent," a public hearing is held and a site visit is made. The Commission then issues a permit called an "Order of Conditions" that, as the name applies, specifies protective and mitigating measures that must be done along with the proposed work

Work in the Buffer Zone

*The first 50 feet outward from the edge of a resource area is considered a **no alteration zone**, and generally no work is allowed within this area. Work may be allowed in the area that is 50 to 100 feet out from the resource area, usually with conditions requiring erosion control and other measures designed to protect the resource.*

Board of Health

It is important to obtain Board of Health regulations applicable to your project very early in the design phase of development. The Board of Health and its Agent enforce the state and local health and environmental codes. Among the many permits and certificates the Board of Health issues are those for wells and septic systems, swimming pools, drainage and other groundwater issues, and food and beverage permits for eating establishments.

Sherborn does not have a municipal sewer or water system. Thus, any project needs an approved sanitary system for wastewater disposal, and a well to supply water. The Board of Health reviews and approves plans for septic systems or any other wastewater disposal method. The septic system design is a very critical component for any project. You are required to have an approved septic design before undertaking any development.

For new buildings, an approved septic system and well are necessary before a building permit can be issued. The first step is to determine if the soil is suitable for a septic system. This is done by a percolation test (or “perc” test) to evaluate the rate at which water seeps into the ground. A second test, called a deep hole test, is to determine the groundwater level. If the groundwater level is too high, a septic system cannot be located on the lot. Perc tests must be performed by an engineer and witnessed by the Health Agent. Perc tests can be scheduled from November 1 through June 30, and deep hole tests can be scheduled from November 1 through April 30 of each year (applications for each are due by April 1). Septic systems serving new construction must meet the strict requirements of the local Board of Health regulations, in addition to the requirements of Title 5 (the State Environmental Code).

For additions, the Board of Health must determine whether the septic system can accommodate any additional flow that may be generated. If not, a new system may be required. In the case of failed systems serving an existing house, the Board will generally approve waivers from its regulations as long as the regulations are met to the maximum extent feasible.

Since everyone in Sherborn is dependent on ground water for their domestic water supply, it is essential that this resource be protected rigorously. The Board of Health staff is available to explain the types of permits you may need and the procedures in obtaining them.

Bedroom Count

The number of bedrooms allowed in a house is determined by the capacity of the septic system. This may mean that a house cannot be expanded unless the septic system is replaced with one with a higher capacity. If the soils on a lot do not permit a larger system, it may not be possible to expand a house..

Board of Appeals

Like most rules, there are sometimes circumstances where the literal application or enforcement of the Zoning Bylaw creates a hardship or otherwise may be considered “unfair.” There are provisions that allow deviations from the Zoning Bylaw. Such deviations are known as variances and special permits.

The Board of Appeals is charged with deciding when a variance is warranted. Under State law, before a variance can be granted, the Board of Appeals must find that “circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the applicant or petitioner, and that relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw.” This is a stringent standard, and it is generally up to the applicant to document that his situation meets these requirements.

Another type of exception is called a special permit. Special permits differ from variances in that they are expressly authorized in the bylaw and the conditions under which they can be granted are specified. The Board of Appeals is responsible for special permits for businesses in the business districts, commercial stables, and for such uses as home or professional occupations and accessory apartments in the residential districts. Other special permits, including those for common driveways, Planned Unit Developments, Open Space Subdivisions, reduced street frontage, multidwellings, and wireless communications facilities, are under the jurisdiction of the Planning Board.

Both variances and special permits require notification of abutters and a public hearing.

Variances

Variances require that soil conditions, or the shape or topography of the individual lot present a hardship to the applicant if the Zoning Bylaw is applied strictly.. In addition, granting the variance must still reflect the intent of the bylaw and not be detrimental to the public good.

Community Maintenance and Development

The Community Maintenance and Development (CMD) Department is responsible for maintaining the Town's roads and sidewalks (including plowing), fields and playgrounds, and Farm Pond Beach. The Department is also responsible for issuing permits for curb cuts onto Town roads. Therefore, if a new driveway is planned or if a driveway entrance is to be relocated, a curb cut permit from CMD is necessary.

The most important aspect of a new driveway entrance is safety. Upon application for a new curb cut, CMD will visit the site and determine whether the site distance is adequate and/or the best possible location available on the site. It will also determine whether the driveway is located on a scenic road and whether a stone wall or trees greater than 1 1/2" in diameter will be affected by the new curb cut. If so, the applicant will be advised that a Scenic Road hearing is necessary, and that an application for one must be submitted to the Planning Board. If it not on a Scenic Road, but a public shade tree is affected, then a hearing must be held before the Tree Warden.

Scenic Road Hearings

Any work within the Town right-of-way on a scenic road that affects a stone wall or a tree with a diameter greater than 1 1/2" requires a public hearing before the Planning Board (if stone wall only) or a joint hearing before the Planning Board and Tree Warden (if trees are involved) Most of the main roads in Town, with the exception of Routes 16, 27 and 115, are designated scenic roads..

Historic District Commission

The Sherborn Center Historic District extends roughly along South Main Street from Farm Road to Zion's Lane, and on Washington Street from the Split nearly to Sawin Street. It includes all the properties between Washington, South Main, and Sanger Streets, and all the properties between Sanger, Sawin and Washington except for the one at the Washington-Sawin intersection.

The Zoning Bylaw requires that no building or structure within the Historic District shall be constructed or altered in any way that affects exterior architectural features unless the Historic District Commission shall first have issued a Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship with respect to such construction or alteration. No building permit for such work may be issued unless the Historic District Commission has one of the three Certificates, unless the work is for certain exempt items as listed in the Zoning Bylaw.

The Commission requires a submission of plans to them. A public hearing will be held on the application, prior to a determination.

Edward's Plain/Dowse's Corner Historic District

The Edward's Plains/Dowse's Corner Historic District extends approximately along North main Street from Powderhouse lane to Everett Street. It is a National Register district but properties within it are not subject to review by the Historic District Commission.

Step Two — Determine Permits/Approvals Needed

The following is a list and description of the various types of permits and approvals that are issued by the Town and the types of projects that they apply to. The list is meant to be illustrative only. You may need a ruling from the applicable board or commission to determine exactly which permits you need.

List of Development-Related Town Permits

Agency	Permit/Approval	Needed For	Comments
Board of Appeals	Special Permits in residence districts	Certain non-residential uses that are not prohibited in residence districts	See Section 3.2 of the Zoning Bylaws
	Business use	Most business uses in a business district	A site plan review by Planning Board is required prior to applying for the use permit.
	Sign	All signs except certain exempt ones	See Section 5.2 of the Zoning Bylaw
Board of Health	Wells	Any new well	
	Septic Systems	New or repaired systems	
	Percolation and deep hole tests	Septic system application submittals	Maximum allowable perc rate is 20 minutes per inch
	Food Establishment Permits	Operation of any business selling food	Annual water test required
Building Department	Building permits	Any building or structure, including additions, plus wood burning stoves and certain other facilities	Structures less than 120 square feet in area and not permanently attached to the ground are exempt An approved site plan is required prior to a building permit for new or expanded businesses
	Plumbing and electrical permits	Virtually all wiring and plumbing jobs	
Community Maintenance and Development	Curb cuts	All new or relocated driveways that intersect with the street	If a tree or stone wall within the road right-of-way is affected, a Shade Tree or Scenic Road hearing may be required
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Step Two — Determine Permits/Approvals Needed (Continued)

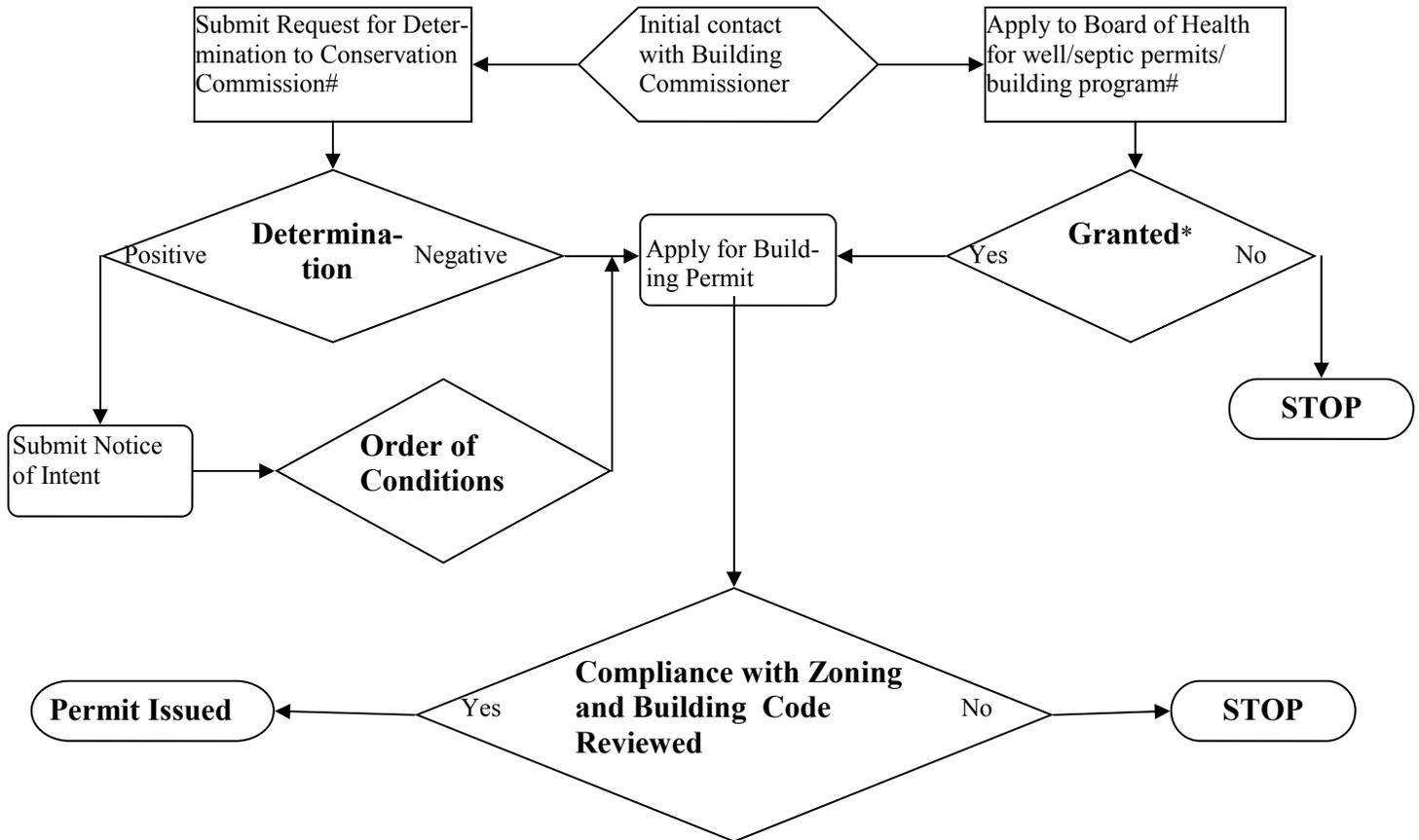
List of Development-Related Town Permits (Continued)

Agency	Permit/Approval	Needed For	Comments
Conservation Commission	Determination of Applicability	To determine whether any wetlands on your property will be impacted by your project	This is required for all work requiring a building permit, well or septic system permit, or any work that disturbs wetlands, vernal pools, streams or the buffer zones for those resources.
	Abbreviated Notice of Resource Area Delineation	This establishes the extent of wetlands or other protected resources on your property	This process allows the resources to be identified prior to the design of the project so that the project can be designed to minimize its impact on the resources
	Notice of Intent	Any project that disturbs land within 100 feet of wetlands, 150 feet of a vernal pool or 200 feet of a stream	An Order of Conditions is the approval document is issued that states mitigating actions that must be done to minimize the impacts of the project.
	Request for Certificate of Compliance	Documentation that Order of Conditions was complied with	This is issued following an inspection after the project is complete.
Historic District Commission	Application for Certificate of Appropriateness, Non-Applicability or Hardship	This must be filed for any work within the Sherborn Center Historic District that affects the exterior architectural features of a structure.	Temporary structures or signs, walks, walls, fences, terraces, driveways, storm windows and doors screen doors, window screens, window air conditioners, antennas, solar panels, greenhouses and windmills are exempt.
Planning Board	Approval-Not-Required Plan	To create a new lot where there is sufficient frontage on an existing street	This process is also used to convey property from one lot to an abutting lot, either by sale of exchange.
	Subdivision Plans	Creating new lots by constructing a new road	A preliminary plan is recommended for residential subdivisions
	Site Plans	New or expanded businesses	This assures that parking, drainage, lighting, landscaping, etc. are adequate.
	Special Permits	Reduced frontage, wireless communications, elderly and affordable housing, parking in a residence district adjacent to a business,	Special permits are strictly discretionary on the part of the Planning Board. Specific criteria must be met to qualify.
	Scenic Road Hearing	For removing any tree or portion of a stone wall on a scenic road	When a tree is involved, the hearing is a joint one with the Tree warden.

Step Three — Obtain Permits

The following flow charts illustrate the processes required for obtaining approvals for (a) new houses and additions; (b) new or expanded businesses or change of use; (c) removal of trees or stone walls on Scenic Roads and (d) special permits:

(a) New House or Addition on an Existing Lot

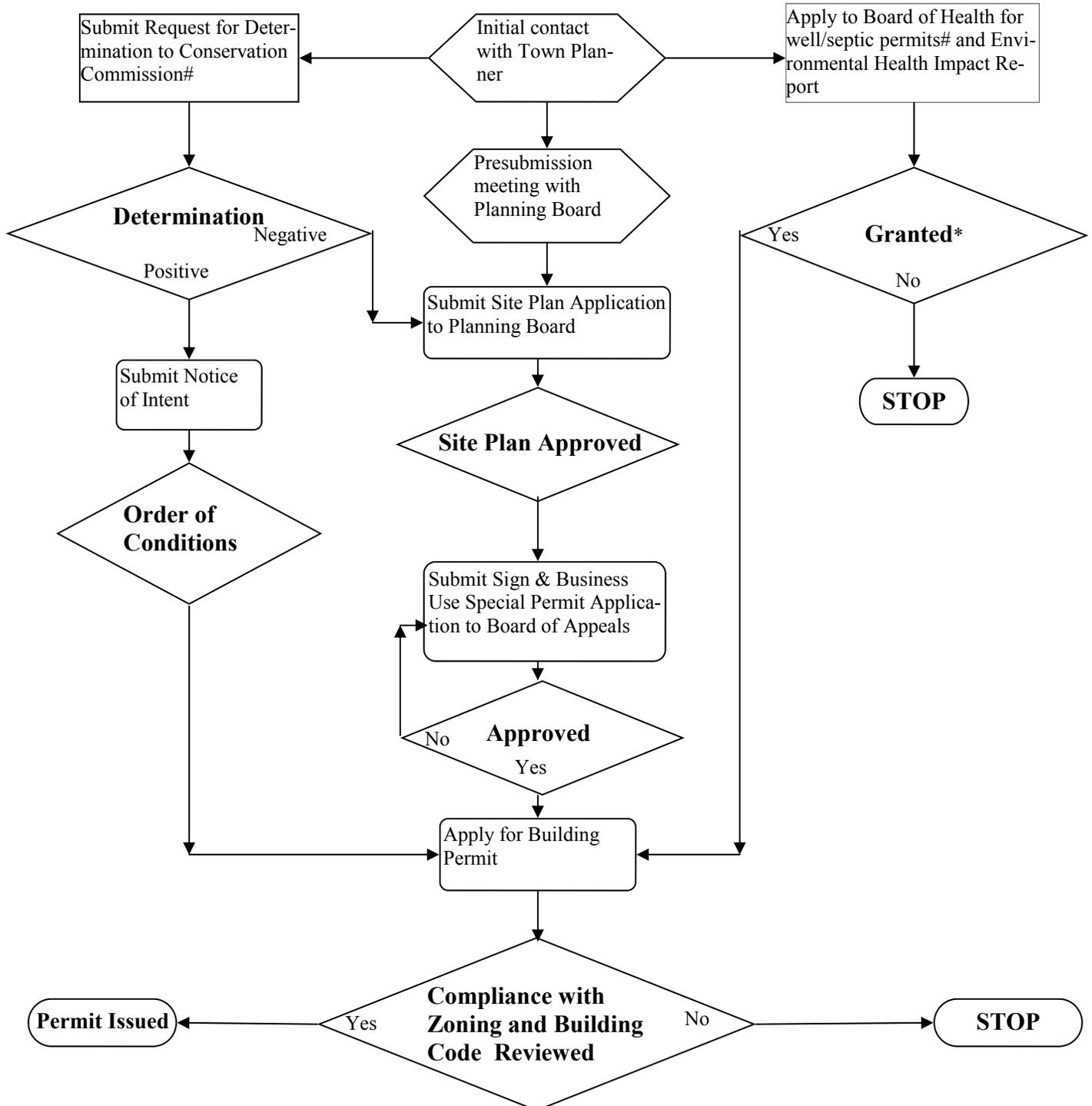


#It may be advantageous to meet with Conservation Agent and/or Health Agent prior to applying.

*In the alternative, the Board of Health may determine that no permit is needed.

Step Three — Obtain Permits (Continued)

(b) New or expanded businesses or change of use:



#It may be advantageous to meet with Conservation Agent and/or Health Agent prior to applying.
*In the alternative, the Board of Health may determine that no permit is needed.

Resources

The following documents contain the specific bylaws, rules and regulations that apply to development projects in Sherborn. The table below includes information about obtaining paper copies of these documents. Unless otherwise noted, they are also available on the Town's website at www.sherbornma.org.

Document	Available From	Price
Zoning Bylaws	Selectmen's Office	\$8.00
Planning Board Rules and Regulations	Planning Board	\$10.00
Wetlands Regulations	Conservation Commission	\$5.00
Wetlands Bylaw	Conservation Commission	Free
Regulations of the Board of Health	Board of Health	\$10.00
General Bylaws	Selectmen's Office	\$5.00

In addition to the above, individual boards, commissions and departments may have additional materials that pertain to specific types of projects.

Telephone Numbers

Board of Appeals	508-651-7850
Board of Health	508-651-7852
Board of Selectmen	508-651-7850
Building Inspector	508-651-7870
Community Maintenance and Development	508-651-7878
Conservation Commission	508-651-7863
Planning Board	508-651-7855
Selectmen's Office	508-651-7850
Town Clerk	508-651-7853