

# town of needham commercial permitting guide

Department of Planning and Community Development  
March 2012

# table of contents

<b>INTRODUCTION .....</b>	<b>1</b>
I. Brief Zoning Overview .....	1
<i>Purposes and limitations of this Guide .....</i>	<i>1</i>
II. Overview of Development Permits: Seven Major Categories .....	2
<i>Zoning.....</i>	<i>2</i>
<i>Comprehensive Permits.....</i>	<i>3</i>
<i>Signs.....</i>	<i>3</i>
<i>Wetlands and Water Resources .....</i>	<i>3</i>
<i>Subdivision.....</i>	<i>3</i>
<i>Building Permit .....</i>	<i>3</i>
<i>Certificate of Occupancy .....</i>	<i>3</i>
<i>Related Licenses/Permits.....</i>	<i>3</i>
<i>Three Important Things That You Need to Know in Planning Your Project.....</i>	<i>4</i>
<i>Town Departments, Boards and Staff: Contact List .....</i>	<i>4</i>
<b>THE PERMITTING PROCESS AND THE PEOPLE .....</b>	<b>4</b>
III. Preliminary Research and Contacts .....	4
IV. What Permits Do You Need?.....	8
V. Obtaining Your Development Permits .....	10
A. <i>Zoning Permits.....</i>	<i>10</i>
1. <i>Special Permits .....</i>	<i>10</i>
2. <i>Site Plan Review .....</i>	<i>14</i>
3. <i>Variances .....</i>	<i>16</i>
B. <i>Comprehensive Permits .....</i>	<i>18</i>
C. <i>Subdivision Approval .....</i>	<i>18</i>
D. <i>Sign Permits .....</i>	<i>19</i>
E. <i>Wetlands Permits .....</i>	<i>20</i>
VI. <i>Permits, Licenses, and Approvals from Other Boards and Departments .....</i>	<i>22</i>
A. <i>Public Works Department Permits .....</i>	<i>22</i>
B. <i>Health Department Permits.....</i>	<i>23</i>
C. <i>Fire Department .....</i>	<i>24</i>
D. <i>Historical Commission.....</i>	<i>25</i>
E. <i>Town Clerk .....</i>	<i>25</i>
F. <i>Board of Selectmen .....</i>	<i>25</i>

# table of contents, cont'd

<i>G. Tree Warden</i> .....	26
<i>H. State Permits</i> .....	26
<i>I. Federal Permits</i> .....	27
<b>VII. Getting Your Building Permit</b> .....	<b>28</b>
<i>Introduction</i> .....	28
What is the Building Code? .....	28
Who Needs a Building Permit? .....	28
Who Can Request a Building Permit? .....	29
What Requirements Must Be Met Prior to Applying for a Building Permit? .....	29
How do I get a demolition permit? .....	29
What is the General Process of Securing a Building Permit? .....	31
How long will it take to get a building permit? .....	32
How long are permits valid? .....	32
Does the Fire Department issue separate approvals? .....	32
How many days notice is needed to schedule inspections from the Building Department? .....	32
Are there any restrictions on working hours? .....	32
What is a Certificate of Occupancy? .....	32
<b>Appendix 1: Permit Applications</b> .....	<b>34</b>
<b>Appendix 2: Schematic Approval Process &amp; Permit Matrix</b> .....	<b>38</b>
<b>Appendix 3: Contact Information</b> .....	<b>48</b>
<b>Appendix 4: Plan Requirements</b> .....	<b>51</b>
<b>Appendix 5: State &amp; Federal Resources</b> .....	<b>62</b>
<b>Appendix 6: List of Local Resources</b> .....	<b>63</b>

## 1

## introduction

## I. BRIEF ZONING OVERVIEW

## Purposes and limitations of this Guide

This guidebook is for property owners, developers, brokers, and contractors who want to develop in Needham. It contains clear, easy-to-follow instructions for seeking permits and approvals from Town boards and departments. No permitting guide can provide an all-inclusive look at the permits and approvals required for a specific project, but we hope this booklet will help you understand the basics of Needham's development review and permitting procedures.

The permits you need will depend on the type of development you propose. Almost any project will require some type of permit from the Town. The larger and more complex the project, the more permits will likely be required. The Town makes every effort to minimize

the processing time for permits. However, processing permits does take time. Indeed, some boards may request or require review of your project by the Fire Department, Police Department, Public Works Department, Town Engineer, Health Department, or the Building Inspector.

Proper planning, research, and communication with the Town will help you anticipate and avoid potential problems and delays. We encourage you to contact the Planning and Community Development Department (781-455-7550) and speak with the Director of Planning and Community Development or the Economic Development Director as early in the planning process as possible. If your project is complex and involved, you may need to hire outside professionals such as attorneys, architects, engineers, land surveyors, or other consultants to assist you.

### What are the purposes of zoning regulations?

Zoning is the "regulat[ion] [of] the use of land, buildings and structures to the full extent of the independent constitutional powers of cities and towns to protect the health, safety and general welfare of their present and future inhabitants." (G.L. c. 40A, § 1A.)

Accordingly, the Needham Zoning By-Law states: "The purpose this By-Law is to promote the health, safety, convenience, morals or welfare of the inhabitants of Needham; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of land

and buildings; to encourage the most appropriate use of land throughout the Town and to preserve and increase amenities under the provisions of the General Laws, Chapter 40A. The use, construction, alteration, height, area and location of buildings and structures and the use of premises in the Town of Needham are regulated as hereinafter provided." (Needham Zoning By-Law, Section 1.1.)

As a general principle, "[a]ny building or structure hereinafter erected, reconstructed, altered, enlarged or moved or any use of premises hereinafter established, altered or expanded in the Town of Needham shall be in conformity with the provision of this By-Law. Any use not specifically or generically enumerated in a district herein shall be deemed prohibited." (Needham Zoning By-Law, Section 1.2.)

## II. OVERVIEW OF DEVELOPMENT PERMITS: SEVEN MAJOR CATEGORIES

### Zoning

The Needham Zoning By-Law divides the Town of Needham into several zoning districts. Each district has rules that determine how property can be used (use regulations) and how much development can occur on a lot (dimensional regulations). Some uses are allowed “by right,” others require a special permit from the Zoning Board of Appeals (ZBA) or Planning Board, and many uses also require site plan review and design review. The Zoning By-Law governs the application, review, and decision procedures for these types of permits and approvals. It also determines whether the issuing authority can grant relief or waivers.

Your proposed project will fall within one or more of the following basic categories.

- **Allowed by Right.** If your project meets all zoning requirements and does not require any special relief from the Zoning By-Law for use or dimensional requirements, or site plan review, special permits, or variances, you may proceed to the next phase of the approval process.
- **Change of Use.** If your project involves altering part or all of an existing structure or changing the property from one use to another use, you may need zoning relief.
- **Special Permits.** Some uses require explicit board authorization through a special permit from the special permit granting authority (SPGA), which may be the ZBA or Planning Board, before the Building Department can issue a building permit. A special permit may also be needed for certain dimensional changes to the Zoning By-Law’s as-of-right requirements. (Dimensional changes not specifically allowed by special permit in the Zoning By-Law require a variance from the Board of Appeals or an amendment to the Zoning By-law.)
- **Site Plan Review.** Many development projects (except single-family and two-family homes) require Planning Board approval of a detailed site plan that shows what a property will look like and how it will function once the project is constructed. A site plan submission contains drawings and documents with information such as the location and layout of site access/egress, pedestrian access, parking, drainage, building design and location, light-

Generally, the site plan process provides “a comprehensive review procedure for construction projects, herein defined, to insure compliance with the goals and objectives of the Master Plan, and the provisions of the Zoning By-Law, to minimize adverse impacts of such development, and to promote development which is harmonious with surrounding areas.” (Needham Zoning By-Law, Section 7.4.1.)

ing, landscaping, and screening. The site plan review process serves several purposes: to ensure zoning compliance, evaluate impacts on the surrounding area, evaluate ways to reduce those impacts, and determine whether any conditions need to be placed on approval of the plan. Approval of site requirements may be required in the form of site plan review only, or such approval may be part of a special permit. In either case, jurisdiction usually resides with the Planning Board.

- **Variance.** The ZBA may grant a variance from the Zoning By-Law’s dimensional or use requirements. The State Zoning Act controls the procedures and standards for granting a variance (G.L. c. 40A, § 10). By law, the ZBA may grant a variance only if it finds that (1) owing to circumstances relating to the soil conditions, shape or topography of the land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, (2) a literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner, *and* (3) that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw. In order to qualify for variance, you must be able to demonstrate that you meet **all** three requirements. A variance is an extraordinary zoning remedy and no one is entitled to it.

## Comprehensive Permits

The ZBA has authority to grant a comprehensive permit under G.L. c. 40B, §§ 20-23 (Chapter 40B). The purpose of Chapter 40B is to enable the development of affordable housing for low or moderate income people. Chapter 40B helps to accomplish this by consolidating the permits normally issued by separate boards into a single permit granted by the ZBA. (Please see our Chapter 40B Guidelines.)

## Signs

Article 5 of the Needham General By-Laws is Needham's Sign By-Law, which describes the requirements for signage. Depending on their size, number, and location, commercial signs require approval or a special permit from the Design Review Board. Actual sign permits are issued by the Building Inspector.

## Wetlands and Water Resources

Depending on the location of your project, you may need permits from the Needham Conservation Commission under the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40, the Needham Wetlands Protection By-Law (General By-Laws Article 6) and associated regulations, and the Massachusetts Rivers Protection Act in order to protect wetlands resource areas and riverbanks. If any portion of your project is within a Resource Area, you will most likely need to file one or more of the following: Request for Determination of Applicability, Abbreviated Notice of Resource Area Delineation (ANRAD), Notice of Intent or Abbreviated Notice of Intent, Application for Permit, or Request for Certificate of Compliance.

### What does "resource area" mean under the needham wetlands protection by-law?

- Any freshwater wetland, including marsh, wet meadow, bog, or swamp
- Any bank of a lake, pond, river, stream, or other watercourse
- Any waterbody or waterway, including any lake, river, pond, stream, or watercourse
- Any land within 100 feet of any of the areas set forth above (the "Buffer Zone")

## Subdivision

The Subdivision Regulations and Procedural Rules of the Planning Board (authorized under the Subdivision Control Law, G.L. c. 41 §§ 81K-81GG), describe the approvals required in order to divide land into new lots, create new property lines, or construct new roadways.

## Building Permit

In most instances, a Building Permit from the Building Inspector is required prior to the demolition, construction, repair, or alteration of a structure. Separate sheet metal, plumbing, electrical, and gas approvals may also be required.

## Certificate of Occupancy

The Certificate of Occupancy is the authorization from the Building Inspector to inhabit or use the premises. It is issued upon satisfactory completion and inspection of work authorized under a building permit.

## Related Licenses/Permits

Under local, state, and federal laws, a project may require a variety of licenses, permits, and approvals, including licenses or permits from the Needham Health Department, Needham Fire Department, Town Clerk, Needham Historical Commission, Needham Public Works Department, Needham Board of Selectmen, Town Engineering Division, the Massachusetts Department of Transportation (MassDOT), Massachusetts Department of Environmental Protection (DEP), and other state or federal agencies.

## 2

## the permitting process and the people

## III. PRELIMINARY RESEARCH AND CONTACTS

## Three Important Things That You Need to Know in Planning Your Project

**1. Know your property.** Learn the details of your property: street address, parcel size, zoning district, wetland resource areas, dimensions, current use(s), building size, and the like. Are you working with an undeveloped lot for a new structure? An addition to an existing structure, or space in an existing structure? If the property has existing structures, check the building jacket in the Building Department. Find out what permits have been issued and whether there are any open permits or other unresolved issues.

**2. Know the zoning that applies to your property.** Once you know the zoning district, review the Zoning By-Law and find out if your project is allowed, both as to use and dimensional requirements. If you want to locate a business in Needham, look for property in a district that will accommodate your proposed uses and the size of your project. ***This will cut down on the amount of permitting required.***

**3. Know the nature of your business.** Retail, office, industrial, food service, medical, wholesale, manufacturing, professional and consumer services are some of the types of uses you might have in mind. Know the type and amount of space your business needs, considering number of employees, parking requirements, layout requirements, projected business traffic, expansion potential, and so forth. If your business involves the use of chemicals, food, medical waste, or automotive product, find out about the special requirements you will have to meet.

## Town Departments, Boards and Staff: Contact List

Needham has an inter-departmental review team that reviews large projects:

- Assistant Town Manager
- Building Inspector
- Director of Planning & Development
- Economic Development Director
- Conservation Director
- Public Works Director
- Town Engineer
- Highway Superintendent
- Water & Sewer Superintendent
- Police Chief
- Fire Chief
- Director of Public Health

**Preliminary Contact.** After completing your personal research, and before spending time and money to develop plans for a project, please contact the Planning and Community Development Department and the Building Inspector, who serves as Needham's Zoning Enforcement Officer, to discuss the property and your project. Verify that your proposed uses and dimensional requirements can be allowed, what regulatory procedures you need to follow in order to get a Building Permit, and any other requirements for final occupancy for your business.

**Building Inspector.** The Building Inspector and his Department should be one of your first points of contact with the Town when you seek information about

your project and the approvals you will need. The Building Inspector will be able to advise you if your project can be approved as of right or if it requires site plan review or a special permit from the Planning Board or a special permit or variance from the Zoning Board of Appeals (ZBA). The staff can offer direction about how to proceed and recommend other departments you should contact.

The Building Department enforces the state building, electrical, sheet metal, plumbing, gas and mechanical codes, the Zoning By-Law, Architectural Access Board Regulations, and Sealer of Weights & Measures laws (G.L. c. 98 and the Consumer and Merchant Protection Act, Chapter 295 of the Acts of 1998). The Department issue permits, inspect construction sites, and conduct periodic safety inspections of multi-family dwellings, restaurants, schools, religious institutions, museums, and other places of assembly. The Building Department is part of the interdepartmental review team that reviews large development projects.

Building Inspector: David Roche  
 Location: Public Services Administration Building, 500 Dedham Avenue, Needham, MA 02492  
 Hours: Monday – Friday, 8:30 am - 5:00 pm  
 Telephone: (781) 455-7550 ext. 308  
 Fax: (781) 453-2510  
 Email: droche@needhamma.gov  
 Building Department web page  
<http://www.needhamma.gov/index.aspx?nid=227>

**Planning and Community Development Department.** Like the Building Inspector, the Director of Planning and Community Development and the Director of Economic Development will usually be one of your initial points of contact in Needham. They can provide information and advice about your project. They also can help you map out prospective relief and permitting procedures.

The professional Planning staff supports the Planning Board and assists prospective businesses. The Planning Board is the approval authority for site plans, subdivision plans, special permits, and a variety of waivers and determinations. Under Sec. 3.1, the Planning Board also has the authority to determine whether a use is similar in kind and impact to one already allowed by right or by special permit. (For such a determination, you submit a Determination of Proposed Use Application.) The Planning Board staff is part of the interdepartmental review team that reviews large development projects.

Director of Planning and Community Development: Lee Newman  
 Director of Economic Development: Devra G. Bailin  
 Location: Public Services Administration Building, 500 Dedham Avenue, Needham, MA 02492  
 Hours: Monday – Friday 8:30 am - 5:00 pm  
 Telephone: (781) 455-7550 (Lee Newman, ext. 270) (Devra Bailin, ext. 213)  
 Fax: (781) 453-2510  
 Email: lnewman@needhamma.gov; dbailin@needhamma.gov  
 Planning and Community Development Department web page:  
<http://www.needhamma.gov/index.aspx?nid=1149>

**Zoning Board of Appeals.** The ZBA is the approval authority for various types of special permits, comprehensive permits, variances, and appeals from determinations of the Building Inspector. The ZBA consists of three permanent members and three associate members, each appointed by the Board of Selectmen for a three year term.

Zoning Board of Appeals Administrator: Sheila Page  
 Location: Public Services Administration Building; 500 Dedham Avenue, Needham, MA 02492  
 Hours: Monday – Thursday 8:30 am - 2:30 pm  
 Telephone: (781) 455-7550 ext 261  
 Fax: (781) 453-2510  
 Email: spage@needhamma.gov  
 Zoning Board of Appeals web page:  
<http://www.needhamma.gov/index.aspx?NID=1101>

**Conservation Commission.** The Needham Conservation Commission is a seven-member board appointed by the Board of Selectmen to protect the Town's wetland resource areas. It is responsible for reviewing and permitting all projects within wetland resource areas, including but not limited to, wetlands, ponds, rivers, floodplains, and lands within 100 feet of a wetland or stream (buffer zones) or within 200 feet of the Charles River and other perennial streams. The Director of Conservation is part of the interdepartmental review team that reviews large development projects.

Director of Conservation: Matthew Varrell  
 Location: Public Services Administration Building; 500 Dedham Avenue, Needham, MA 02492  
 Hours: Monday – Friday 8:30 am - 5:00 pm  
 Drop in office hours Mondays 10:00 a.m. - 1:00 p.m.,  
 Wednesdays 2:00 p.m. - 5:00 p.m. & Fridays 11:00 a.m. - 1:00 p.m.



Telephone: (781) 455-7550 ext. 248  
 Fax: (781) 453-2510  
 Email: mvarrell@needhamma.gov  
 Conservation Commission web page:  
<http://www.needhamma.gov/index.aspx?nid=454>

**Public Works Department.** The Public Works Department is responsible for maintaining and managing the Town's infrastructure (roadways, water, and sewer). It also manages and carries out infrastructure improvement projects. Staff from the Department's Highway Division, Water, Sewer and Drains Division, Engineering Division, and other divisions assist other Town departments by reviewing subdivision and site plan applications, survey plans, and street occupancy permits, and they serve on the interdepartmental review team that reviews development projects.

Director of Public Works: Richard P. Merson  
 Town Engineer: Anthony DelGaizo  
 Location: Public Services Administration Building; 500 Dedham Avenue, Needham, MA 02492  
 Hours: Engineering and Administration: Monday – Friday 8:30 am - 5:00 pm  
 Parks, Highway, Garage, Water, Sewer & Drains Monday - Friday 7:00 am - 3:30 pm  
 Telephone: (781) 455-7550  
 Fax: (781) 449-9023  
 Email: rmerson@needhamma.gov  
 Email: adelgaizo@needhamma.gov  
 Public Work Department web page:  
<http://www.needhamma.gov/index.aspx?nid=87>

**Police Department.** The Police Department maintains a close working relationship with the community in order to protect life and property and maintain a safe and peaceful environment for all. It enforces the Town's traffic and parking regulations and offers a wide variety of public safety programs. The Department is on the interdepartmental Town review team that reviews large development projects.

Chief of Police: Philip E. Droney  
 Location: Police Station, 99 School Street, Needham, MA 02492  
 Hours: Open 24 hours  
 Telephone: (781) 455-7570  
 Fax: (781) 444-3460  
 Emergencies: 9-1-1  
 Email: pdroney@needhamma.gov  
 Police Department web page  
<http://www.needhamma.gov/index.aspx?nid=78>

**Fire Department.** The Fire Department protects lives and property through fire suppression, emergency medical services, emergency disaster preparedness, fire inspections, and fire prevention. It issues numerous construction-related permits, including blasting, fire alarm, sprinkler system, smoke and CO detection, oil burner and tank installation, underground storage tank installation, and storage of flammables. The Fire Department is part of the interdepartmental Town review team that reviews large development projects.

Fire Chief: Paul Buckley  
 Location: 88 Chestnut Street, Needham, MA 02492  
 Hours: Monday – Friday 8:00 am - 5:00 pm (24 hour emergency services)  
 Telephone: (781) 455-7580  
 Fax: (781) 444-2174  
 Emergencies: 9-1-1  
 Email: pbuckley@needhamma.gov

For commercial safety and egress inspections, including emergency lighting, exit signs, fire extinguishers, exits, cooking equipment fire extinguishing systems, signage, etc.:

Fire Inspector Arthur Hopkins  
 781-455-7580  
 Email: ahopkins@needhamma.gov  
 Fire Inspector Matty Kane  
 781-455-7580  
 Email: mkane@needhamma.gov

For commercial fire alarms and sprinkler systems:  
 Ray Bigelow, Superintendent of Fire Alarms  
 781-455-7579  
 Email: rbigelow@needhamma.gov  
 Fire Department web page  
<http://www.needhamma.gov/index.aspx?nid=63>

**Health Department.** The Health Department issues licenses and permits for a wide range of activities affecting public health, including kennels, the raising and keeping of animals, food service establishments, tobacco sales, tattoo and body piercing parlors, and the disposal of sharps and medical waste. It also issues permits relating to the demolition of structures and the demolition, construction, or repair of septic systems and wells. In addition, the Health Department is responsible for health-related inspections of food service establishments, semi-public pools, septic systems, and private wells. The Health Department is part of the interdepartmental Town review team that reviews large development projects.

Director of Health Department: Timothy McDonald  
 Location: Needham Town Hall, 1471 Highland Avenue,  
 Needham, MA 02492  
 Hours: Monday – Friday 8:00 am - 5:00 pm  
 Telephone: (781) 455-7500, ext. 260  
 Fax: (781) 455-0892  
 Email: [tmcdonald@needhamma.gov](mailto:tmcdonald@needhamma.gov)  
 Health Department web page  
<http://www.needhamma.gov/index.aspx?nid=85>

### **Board of Selectmen/Office of Town Manager.**

The Board of Selectman consists of five elected members serving staggered three-year terms. The Board issues licenses for twenty-four hour operation, storage of flammables, junk dealer/second hand goods, entertainment, bowling alley, amusement devices, common victualler, innkeeper, lodging house, class I and II motor vehicle (sale of new or used motor vehicles), vehicle for hire, livery, and alcohol service.

Assistant Town Manager: Christopher Coleman  
 Location: Needham Town Hall, 1471 Highland Avenue,  
 Needham, MA 02492  
 Hours: Monday – Friday 8:30 am - 5:00 pm  
 Telephone: (781) 455-7500, ext. 233  
 Fax: (781) 455-7558  
 Email: [ccoleman@needhamma.gov](mailto:ccoleman@needhamma.gov)  
 Board of Selectman's web page  
<http://www.needhamma.gov/index.aspx?NID=488>

**Town Clerk.** The Town Clerk issues auctioneer licenses, renewals of flammables licenses, and business certificates. All applications to the Planning Board and ZBA must be filed with and certified by the Town's Clerk. In addition, all Planning Board and ZBA decisions and appeals must be filed with the Town Clerk.

Town Clerk: Theodora K. Eaton, MMC  
 Location: Needham Town Hall, 1471 Highland Avenue,  
 Needham, MA 02492

Hours: Monday-Friday 8:30 am - 5:00 pm  
 Second and fourth Tuesday evenings, 7:30 pm – 9:00 pm  
 Third Tuesday evening in July and August (call for possible summer hour changes)  
 Telephone: (781) 455-7500, ext. 216  
 Fax: (781) 449-1246  
 Email: [teaton@needhamma.gov](mailto:teaton@needhamma.gov)  
 Town Clerk's web page  
<http://www.needhamma.gov/index.aspx?nid=77>

**Design Review Board.** The Design Review Board (DRB) reviews permit applications for all new structures and outdoor uses, exterior additions, exterior alterations, and exterior changes for all areas listed in Section 7.7.2 of the Zoning By-Law, including but not limited to, all requests for site plan review, special permits for certain types of development, and exterior changes in many of the business and commercial districts. It also reviews all sign permit applications under Article 5 of the General By-Laws.

Chair: Mark Gluesing  
 Location: Contact through the Planning and Community Development Department (see above).  
 Hours: The DRB usually meets on the first and third Monday of each month at 7:30 p.m., usually at the Public Services Administration Building, 500 Dedham Avenue, Needham MA 02492  
 Telephone: (781) 455-7550 (Please call the Planning and Community Development office at least one week in advance of the meeting to get on the next agenda.)  
 Fax: (781) 453-2510 (Planning and Community Development office)  
 Design Review Board web page  
<http://ma-needham.civicplus.com/index.aspx?NID=1106>

## IV. WHAT PERMITS DO YOU NEED?

The types of permits you need will depend on the characteristics of your project and your property, including zoning district, site configuration, proposed use, dimensional requirements, existence of wetlands or floodplain, and scale of project. A simple project may require only a building permit, but a more complex project may require several types of permits and licenses. Check with the Planning and Community Development Department and Building Inspector to determine which permits will be required. Here is a sample list of questions to offer insight into the type of issues you should discuss with the Town:

### 1. What does the Zoning By-Law require?

- In what zoning district is your property located?
- Is your project also within a special overlay district?
- Is your property in more than one zoning district?
- Is your property located in more than one town?
- Do your proposed use(s), lot, and structure comply with current zoning requirements?
- What dimensional requirements (e.g., setbacks, frontage, floor area ratio, or lot coverage) and site design standards such as parking, landscaping, or lighting apply to your project?
- Is your project allowed by right or does it require a special permit?
- Are the use and/or dimensional requirements of the project prohibited? Do you qualify to seek a variance or must you seek a zoning change?
- Are you changing the existing use of the property?
- Are you modifying, altering, or changing a preexisting nonconforming use or structure?
- Does your project require site plan approval?
- Does your project require review by the DRB?
- Does the property have a historically significant structure?
- Is the use proposed although not specified in the By-Law, in the general use category and similar in kind and impact to a use allowed in the Schedule of Use Regulations?

### 2. Is your project located in a wetland resource area, riverfront area, or buffer zone?

- Ponds or lakes
- Rivers, or perennial streams
- Intermittent streams that may be dry for some portion of the year
- Banks of ponds, lakes, rivers or streams
- Land under a waterbody, such as a pond or river
- Fresh water wetlands, including swamps, marshes, and bogs
- Vernal pools: shallow spring pools that become dry during the summer
- Floodplains: areas along streams or rivers that are flooded in major storms
- Vegetated wetlands: areas where soils are wet or where wetland plants, such as red maple, skunk cabbage, cattails, purple loosestrife, cinnamon and sensitive fern occur
- Wet meadows
- Man-made ponds or ditches
- Bordering land subject to flooding
- Isolated land subject to flooding
- Within 200 feet of any perennial stream, river, creek or brook, i.e., within the “Riverfront Area”?
- Within 100 feet of a wetland, i.e., within the “Buffer Zone”?

If so...

- Do you need an Order of Conditions for work within a wetland resource area, riverfront area, or buffer zone?
- Do you simply need to file a Request for Determination of Applicability to determine if your project is subject to the jurisdiction of the Conservation Commission?
- When should you file a Request for Certificate of Compliance from the Conservation Commission?

### 3. Do the Massachusetts Subdivision Control Law and the Planning Board's Subdivision Regulations and Procedural Rules apply?

- Are any new lots or roads being created?
- Are any existing property boundaries being changed?
- Is your property on an existing way as defined in the By-Law?

### 4. What kinds of signs are allowed for commercial enterprises?

- How many signs can you have as of right (if any)?
- How many signs could you have with a special permit?
- How large can you sign be in the zoning district where your property is located?
- Do you need to submit to the DRB for all signs?
- What do you need to submit to the DRB?

### 5. Does the development require other licenses or permits?

- Is the project located on a state highway or will it have direct access onto a state highway?
- Does the project require a new curb cut into a Town way?
- Will hazardous materials be stored or used on the site?

- Does the project involve the service, storage, or preparation of food?
- Will the project trigger any of the Massachusetts Environmental Protection Act (MEPA) thresholds?
- Is the project serviced by a new or used septic system? A new or used well?
- Does the project connect to Town sewer and water?
- Does the project need any of the other permits or licenses discussed elsewhere in this Guide?

### 6. What filings are necessary to obtain the Building Permit/Final Certificate of Occupancy?

- What are the prerequisites for filing for the Building Permit for your project?
- What inspections are necessary during the construction process?
- Can you obtain a temporary occupancy permit if you can't complete all work in time to open (e.g., the landscaping required must wait until spring but you're ready to open the building now)?
- What must be submitted to obtain the final certificate of occupancy?

## V. OBTAINING YOUR DEVELOPMENT PERMITS

After discussing the details of your project with the Town and determining the local, state, or federal permits you need, you are ready to begin filing applications. Zoning, Sign, and Wetland permit applications could be filed at the same time.

*but:*

- If your project involves a division of land, it makes sense to complete the “Approval Not Required” or subdivision process before you apply for Zoning, Sign, or Wetlands permits.
- If the wetlands line is difficult or questionable, you may want to file an Abbreviated Notice of Resources Area Delineation (ANRAD) with the Conservation Commission before you spend much time preparing a subdivision plan.
- If the wetlands line is clear to a licensed professional, it can simply be flagged.
- In addition, if you are proposing signage, you may not be able to complete that process until the zoning permit issues are fully resolved.

It will save time if you check with the permitting authority’s agent (e.g., Conservation Director, Director of Planning and Community Development, or Zoning Board of Appeals administrator) and make sure your application is complete. You need to file a properly completed application form, provide the required number of copies, and pay the filing fee. Applications must be filed with the permitting authority and Town Clerk.

**Public Hearings.** Many permits require a public hearing before the issuing authority can make a decision. In most cases, public hearings must be advertised in a newspaper for two successive weeks, and the first notice must be published at least 14 days before the hearing. In addition, the notice must be posted by the Town Clerk at least 14 days before the hearing, and a copy of the hearing notice must be mailed to abutters, too. You need to attend the public hearings, and bring any consultants you may have engaged so they can help to address the board’s questions or concerns.

**Decision Procedures.** Once the hearing is closed, the board will deliberate. A written decision will be filed with the Town Clerk and mailed to you. Special Permits, Variances, Approval Not Required (ANR) plans, Definitive Subdivision Plans, and Orders of Condition must be recorded with the Norfolk County Registry of

Deeds or Norfolk Registry District of the Land Court (in the case of registered land).

**Other Permits and Approvals.** Once you have obtained the most critical permits for your project - zoning, wetlands, and where applicable, subdivision approval or ANR endorsement - you will be ready to seek other permits, approvals, or licenses from other Town departments. Some of them will be necessary before you apply to the Building Inspector for a Building Permit; some may be obtained concurrently. Seek guidance from the Building Inspector about the best way to proceed. Remember that during the project’s construction phase, you will need to obtain periodic inspections, such as utility and safety inspections of sheet metal, electrical, gas, plumbing, elevator, and actual building construction (including but not limited to, footing inspection, foundation inspection, rough inspection, insulation inspection, final inspection and special inspections).

**Project Completion.** With construction complete, you are eligible to apply to the Building Inspector for a Certificate of Occupancy and, if applicable, to the Conservation Commission for a Certificate of Compliance.

### A. Zoning Permits

#### 1. Special Permits

In Needham, there are two special permit granting authorities (SPGA): the Planning Board and the ZBA. Basically, special permits are granted by the SPGA to allow certain uses or modifications to dimensional requirements for a specific purpose and in accordance with the general or specific provisions in the By-Law for granting such relief. The issuance of a special permit is discretionary.

---

Under G.L. c. 40A, § 9, “special permits may be issued only for uses which are in harmony with the general purpose and intent of the ... bylaw, and shall be subject to the general or specific provisions set forth therein; and such permits may also impose conditions, safeguard and limitations on time or use.”

---

The ZBA and Planning Board each have rules and regulations. If you have questions, speak with the agent of the applicable board. Special Permit application forms are available from the Planning and Community Development Department.

### Types of Special Permits

**Although the use tables by in large list the ZBA as the special permit granting authority, you need to bear in mind that IF other permits are required for the project, for example, a Major Project Site Plan Special Permit, the Planning Board becomes the SPGA for the project.** With that in mind, what follows is a general list of special permits for each board.

#### Zoning Board of Appeals Special Permits:

1. Uses designated “SP” in Use Table 3.2.1
2. Uses designated “SP” in Use Table 3.2.2
3. Uses designated in Section 3.2.3.2
4. Uses designated in Section 3.2.4.2
5. Uses designated in Section 3.2.5.2
6. Uses designated in Section 3.2.6.2
7. Flood Plain special permit uses designated in Section 3.3.3
8. Adult Uses pursuant to Section 3.5.5
9. Medical Overlay District special permit uses designated in Section 3.6.4 for minor site plan review projects
10. Wireless Communications Facilities Towers Overlay District special permit uses designated in Section 3.7.3.2
11. Temporary Meteorological Towers Overlay District special permit uses designated in Section 3.11.4.2
12. Special Permit to increase height limits for light poles that illuminate outdoor recreation facilities located on Town owned land under Section 4.1.6.1
13. Special Permit to modify various dimensional requirements set out in Table of Regulations 4.2.1 and specified in footnotes (a), (b), (c), (d), (g), and (h)
14. Special Permit under Section 4.2.2 to increase height for projections over the roof for schools and other buildings devoted to educational purposes and located in an Institutional District
15. Special Permit under Section 4.2.2 to authorize construction of radio and television antennae which are accessory to principal permitted use
16. Special Permit to reduce certain dimensional requirements for a building or structure devoted to a public, semi-public, or institutional use pursuant to Section 4.2.7
17. Special Permit to reduce certain screening requirements for a building or structure devoted to a public, semi-public, or institutional use pursuant to Section 4.2.8.4
18. Special Permit to allow fences, off-street parking or loading or service drives in certain business, manufacturing, industrial, or industrial park districts adjoining a residential district within 50’ of the zone line pursuant to Section 4.4.8.1 and Section 4.6.5
19. Special Permit to allow radio or television antennae to be higher than 80’ pursuant to Section 4.7.2
20. Special Permit under Section 4.7.5 to change certain residential district dimensional requirements by not more than 10%
21. Special Permit under Section 5.1.1.5 in all zoning districts except Center Business District to waive strict adherence to the off-street parking requirements under Sections 5.1.2 and 5.1.3
22. Special Permit for earth removal under Section 5.2
23. Special Permit under Section 6.1.2 to permit an additional garage
24. Special Permit under Section 6.1.3 for accessory uses which are necessary in connection with scientific research or scientific development or related production
25. Special Permit under Section 6.2.1 to allow temporarily boats, motor home or trailer for living or business purposes beyond the 30 days maximum but not more than an additional 60 days (---there is exemption for residences destroyed by fire or natural disaster)
26. Special Permit under Section 6.2.2 to store a boat, motor home or trailer less than 5’ from any lot line

27. Special Permit for the outdoor parking of vehicles in conjunction with the sale or lease of new or used vehicles under Section 6.4
  28. Special Permit for limited heliports under Section 6.5.1
  29. Special Permits for certain wireless communication equipment under Section 6.7.3.3
  30. If a project requires Minor Project Site Plan Review under Section 7.4 and a Special Permit from the ZBA, the ZBA acts on both with input from the Planning Board (See 7.4.3)
  31. Special Permit under 1.4.10 for the replacement of a nonconforming use of a building, structure or land by another use not conforming to the By-Law, provided any replacement is less objectionable and detrimental to the neighborhood or any property in the neighborhood.
- Planning Board Special Permits:
1. Major Projects requiring Site Plan Special Permit pursuant to Section 7.4.3, which provision renders the Planning Board the SPGA for all necessary special permits for the project
  2. Uses designated in Use Table 3.2.2 “SPC” defined as uses allowed under a special permit under the provisions of Section 6.6 Complex Developments, which provision renders the Planning Board the SPGA
  3. Special Permit for Parking Garages that serve uses in NEBC, MU-128 and HC-128 where the garage is located in the immediate vicinity and on the same side of Highland Avenue as the uses it serves. 3.2.4.3, 3.2.5.3 and 3.2.6.3
  4. Special Permit authorizing increased floor area ratios beyond that allowed by right in NEBC, MU-128, and HC-128 3.2.4.4, 3.2.5.4, and 3.2.6.4
  5. Aquifer Protection District special permit uses designated in Section 3.4.6(c) pursuant to 3.4.7(a)
  6. Medical Overlay District special permit uses designated in Section 3.6.8 for Major Site Plan Special Permit projects
  7. Needham Center Overlay District Special Permit Uses under 3.8.3.2
  8. Lower Chestnut Street Overlay District Special Permit Uses under 3.9.3.2
  9. Garden Street Overlay District Special Permit Uses under 3.10.3.2
  10. Parking Garage Special Permit in Lower Chestnut Street Overlay District under 3.9.3.4
  11. Elder Services Zoning District special permit uses designated in Section 3.12.4 (because such uses will normally also mandate a Major Project Site Plan Special Permit)
  12. Special Permit under Section 4.2.4 to authorize Flexible Development consistent with the Subdivision Control Law
  13. Planned Residential Development Special Permit under Section 4.2.5
  14. Residential Compound Special Permit under Section 4.2.6
  15. Special Permit under Section 4.4.2(b) to exempt the floor area of an underground parking garage and area underground devoted to parking from floor area ratio in the Center Business District
  16. Special Permit under Section 4.4.3 to permit a municipal building of up to 50’ in height and four floors in the Center Business District
  17. Special Permit in the Center Business District to increase the maximum floor area ratio to 1.2 where the use of the shared access or driveway eliminates an individual driveway on the lot pursuant to Section 4.4.5
  18. Special Permit in Center Business District to reduce the driveway widths pursuant to Section 4.4.5
  19. Special Permit under Section 4.4.9 in Chestnut Street Business, Avery Square Business, Hillside Avenue Business, and Neighborhood Business Districts to dispense with the requirement that first-floor businesses have individual entrances accessed from the exterior of the building
  20. Special Permit under Section 4.4.10 in Center Business District to dispense with the requirement that first-floor businesses have individual entrances accessed from the exterior of the building
  21. Special Permit in Highland Commercial-128 under Section 4.5 footnote (4) to increase the floor area ratio to 1.5

22. Special Permit in Highland Commercial-128 under Section 4.5 footnote (6) to reduce the 50-foot setback from a General Residence zoning district
  23. Special Permit under Section 4.5.1 (3) in Highland Commercial-128 to dispense with the requirement that first-floor businesses have individual entrances accessed from the exterior of the building
  24. Special Permit under Section 4.8 footnote (1) to allow for increased height of certain structures erected on buildings in NEBC
  25. Special Permit under Section 4.8 footnote (1) in NEBC to reduce the 50-foot setback from a General Residence zoning district
  26. Special Permit under Section 4.8 footnote (1) to allow a maximum height of up to 84 feet upon a finding that the proposed structures are properly accessible to firefighting equipment in the NEBC
  27. Special Permits in the NEBC under Section 4.8 footnote (6) to increase the floor area ratios to 1.75 and 2.00 under the circumstances set forth
  28. Special Permit under Section 4.8.3 to waive the dimensional requirements in the NEBC (except height) by relaxing each up to 25 percent
  29. Special Permit in MU-128 under Section 4.9 footnote (5) to increase the floor area ratio to 1.5
  30. Special Permit under Section 5.1.1.6 in the Center Business District to waive strict adherence to the off-street parking requirements under Sections 5.1.2 and 5.1.3
  31. Complex Projects in the Avery Square Business and Hillside Avenue Business District under Section 6.6
  32. Intensity of Use Special Permit for NEBC, Highland Commercial-128, and Mixed Use-128 under Section 6.8 permitting an increase in the floor area ratio over what is permitted as of right.
  33. If a project requires Major Project Site Plan Review Special Permit from the Planning Board under Section 7.4, then the Planning Board is the SPGA for all permits required (See 7.4.3)
  34. Special Permit under Section 3.1 for a use in the same general use category that is similar in kind and in impact to one allowed by special permit.
1. To minimize issues before the Special Permit Granting Authority (SPGA), meet informally with the Director of Planning and Community Development to discuss the project and special permit submission requirements before you apply for your Special Permit. The Director of Planning and Community Development may direct you to the ZBA administrator when the Zoning Board of Appeals serves as SPGA.
  2. You may also want to schedule an informal meeting with the Planning Board or ZBA (although the ZBA does not ordinarily do so) if there are issues you need to parse out.
  3. You should meet individually with the Town Engineer and a representative of the Public Works Department, to discuss and resolve issues pertaining to the DPW. You should also meet with the Police Department and Fire Department to discuss and resolve public safety issues. For complex projects, request a meeting with the Development Review Team, as this may be the most efficient way to get guidance on your project.
  4. When you are ready to file your Special Permit application, submit your original application together with fourteen copies (including six reduced plan sets and eight regular plan sets) to the Planning Board (Director of Planning and Community Development) and one copy with the Town Clerk. For ZBA Special Permits, file your original application together with all thirteen required copies (including either 8.5" by 11" or 11" by 17" plan sets) with the Town Clerk. Your application must include an itemized list of the sections of the By-Law under which Special Permit relief is or may be required for your project, along with any waivers you want to request. It also should address the review criteria that the SPGA must consider in granting a special permit.
  5. The Director of Planning and Community Development or ZBA administrator will review your application for completeness prior to scheduling a public hearing.
  6. The timelines between application date and public hearing date are not the same for the ZBA and Planning Board. For the ZBA, you must submit your complete application and materials at least 24 days prior to a hearing date in order to meet statutory and newspaper notice requirements, but in practice, the ZBA needs at least one month before it can schedule a public hearing. The ZBA usu-

### The Special Permit Process



ally holds public hearings on the third Thursday of the month. The Planning Board needs to receive your application and materials at least four or five weeks in advance of a hearing date, depending on the complexity of the project and the timing of your filing. The Planning Board usually holds public hearings on the first and third Tuesday of each month, but check the Planning Board's schedules, especially if you have time constraints.

7. Prior to the public hearing, written notices are sent by the SPGA to the applicant and abutters. The statute also requires publication once in each of two successive weeks in a newspaper of general circulation in Needham. The first publication must be not less than 14 days before the hearing. The notice must also be posted by the Town Clerk for a period of not less than 14 days before the hearing.
8. After receiving your application, the Director of Planning and Community Development or ZBA administrator will distribute copies of the application and plans to the Public Works Department, the Town Engineer, and the Health Department, and in some cases to other Town departments as well.
9. If your project involves site plan review, you will need to meet with the DRB, which normally meets on the first and third Monday of each month. You will need to submit your application directly to the DRB and be placed on one of their meeting agendas.
10. The Town departments and the DRB will review and make recommendations to the SPGA.
11. By law, the SPGA must hold a special permit public hearing within 65 days after an application is filed with the Town Clerk.
12. Depending on the complexity of the project (and other zoning relief required in conjunction with the project), public hearings may be completed in one or two meetings.
13. During the hearing process, the SPGA may decide to conduct a site walk, which you should also attend.
14. After closing the public hearing, the SPGA will deliberate at the same meeting or on a different night, depending on the board's meeting agenda.
15. The SPGA has 90 days following the close of the hearing to take final action, i.e., to file its decision with the Town Clerk. However, the decision

deadline may be extended by written agreement between you and the SPGA, provided that the extension is filed with the Town Clerk. The Director of Planning and Community Development or ZBA administrator usually prepares a written draft of decision for review by the SPGA. Thereafter, the draft may be revised as required by the SPGA. By statute, approval by the Planning Board requires an affirmative vote of four out of five members and, because it has only three members, a unanimous vote of the ZBA.

16. Once approved, the SPGA signs the decision, usually at the next scheduled board meeting, but, if the matter is uncomplicated, it may be signed at the same meeting at which the hearing is closed.
17. You will receive one of two originals of the signed decision. The other original is filed with the Town Clerk's Office, which has to record and hold the decision for the 20-day appeal period.
18. After the twenty-day appeal period, you must bring your original to the Town Clerk for certification that the 20 days have passed without an appeal having been filed.
19. You must then take the certified original to the Norfolk County Registry of Deeds or Norfolk Registry District of the Land Court (in the case of registered land) for recording. Assuming you have all necessary zoning relief, you may apply a building permit. Be mindful, however, that the Building Department cannot issue a building permit without evidence that the Special Permit decision has been recorded.

## 2. Site Plan Review

### Types of Site Plan Projects

Any construction project, excluding single and two-family dwellings, may require site plan review by the Planning Board. In this process the Planning Board evaluates, using the standards outlined in Section 7.4 of the Zoning By-Law, the impacts of a proposed project on open space, traffic circulation, site circulation, surface drainage, safety, water quality, parking layout, and building elevation. Although the specifics vary by zoning district, the By-Law differentiates Major and Minor Projects, based on factors such as the amount of new construction or expansion space (in square feet), the addition of new parking spaces, the creation of a new curb or driveway cut, a change in exterior facade, or

a change in use that creates the need for additional parking spaces.

**Minor Projects.** For Minor Projects requiring a Special Permit from the ZBA, the Planning Board reviews and comments on the site plan within 35 days of receiving the special permit application. If the public hearing occurs before the end of the 35-day review period, the ZBA must continue the hearing unless all reviewing parties (including the Planning Board) have submitted their comments. In addition, if the ZBA's decision deviates from the Planning Board recommendations, the decision must identify the reasons for the deviation.

For minor projects not requiring a Special Permit from the ZBA, the site plan must be submitted directly to the Planning Board, which has 35 days to review the plan and provide a report to you and the Building Inspector. Town departments have 15 days to deliver comments to the Planning Board. Failure of the Planning Board to issue a report timely is construed as satisfying the site plan review requirements.

Seasonal, temporary outdoor seating for restaurants is also allowed on private property with Planning Board approval or on public property with approval from the Board of Selectmen by minor site plan review in accordance with the procedures in Sec. 6.9. (Use the Outdoor Seating Application and Guidelines form.)

**Major Projects.** Major Projects require a Special Permit from the Planning Board. Regardless of the SPGA designation found in the use regulations, the Planning Board becomes the SPGA for any application that falls within the definition of Major Project. This means the Planning Board issues both the site plan decision and the decision about any relief requiring a Special Permit under the Zoning By-Law. An application for Site Plan Review must be accompanied by a site plan and supporting documentation showing, among other things, the locus, the location of structures within 100' of the property lines, existing and proposed building locations, building elevations, existing contours, parking areas, driveways and access, site circulation (vehicular and pedestrian), drainage, utilities, landscaping, lighting, loading and unloading facilities, truck turning plans, provisions for refuse removal, and traffic volume analysis.

### The Site Plan Special Permit Process

1. Again, to minimize issues before the Planning Board, please meet informally with the Director of Planning and Community Development to discuss your project and associated site plan review requirements before you submit an application.

2. You may also want to schedule an informal meeting with the Planning Board if there are particular issues on which you want guidance.
3. In addition, you should meet individually with the Town Engineer, a member of the Public Works Department, a member of the Police Department and a member of the Fire Department to discuss and resolve issues pertaining to their departments. For complex projects, request a meeting with the Development Review Team.
4. Whether your project is a new building, a renovation to an existing building, or simply a modification to a storefront, you should become familiar with the Town of Needham Design Guidelines for the Business Districts, dated April 15, 1995. These guidelines pertain to all Business Districts within Needham. Projects proposed in the Needham Center Overlay, Chestnut Street Overlay, or Garden Street Overlay Districts are covered by a supplemental set of Design Guidelines adopted by the Planning Board in 2009. It is recommended that you consult with a design professional (an architect and/or landscape architect). The professional you work with needs to become familiar with the Guidelines and other relevant Town regulations.
5. Before you finalize a preliminary design concept, discuss your ideas with the Design Review Board. The DRB encourages applicants to discuss proposals in their earliest stages at informal meetings. These meetings are intended to save applicants unnecessary effort early on and to expedite final approvals later. When your design is finalized, you will then need to present your proposal formally at one of the DRB's regular public meetings. This second meeting is normally scheduled following your formal application filing with the SPGA and prior to the public hearing for your project.
6. When you are ready to file, submit your original application for Site Plan Review together with fourteen copies (including 6 reduced plan sets and 8 regular plan sets) to the Planning Board (Director of Planning and Community Development) and file one copy with the Town Clerk. Your application must include an itemized list of the sections of the By-Law under which relief is or may be required for the project. (If a variance is required, you must obtain it before filing.) You should also submit a list of any waivers being sought.

7. The Director of Planning and Community Development will review your project for completeness prior to scheduling a public hearing.
8. You must submit your complete application and materials at least 4-5 weeks (depending on the complexity of the project and timing of your filing) prior to a hearing date in order to meet statutory and newspaper notice requirements. The statute requires publication once in each of two successive weeks. The first publication must be not less than 14 days before the hearing. The notice must also be posted by the Town Clerk for a period of not less than 14 days before the hearing.
9. Prior to the public hearing, notices are sent out by the SPGA to the applicant and abutters.
10. The Planning Board usually holds its public hearings on the first and third Tuesday of each month, but check the Planning Board's schedules, especially if you are operating under time constraints.
11. Upon receipt of your application, the Director of Planning and Community Development will provide the application, including plan set, to the Public Works Department, the Town Engineer, the Health Department, and to any other Town agency which is deemed appropriate.
12. You must also submit directly to the DRB and be placed on that Board's agenda.
13. The Town departments, employees and agencies, except the Design Review Board, will review and make recommendations within 15 days of receipt of a minor project and 35 days within receipt of a major project.
14. The DRB has 35 days from the receipt of a minor project to issue its advisory report to you, the Building Inspector and the Planning Board and 75 days from the receipt of a major project to issue its final design review report.
15. Depending on the complexity of the project (and other zoning relief required in conjunction with the project), public hearings may be completed in one or two meetings. You and your consultants should attend all public hearings. During the hearing process, the Planning Board may decide to conduct a site walk, which you should also attend.
16. After the hearing is closed, the Planning Board will deliberate at the same meeting or at a different night, depending on the Planning Board's meeting agenda.
17. After the hearing, the Director of Planning and Community Development will prepare a written draft of decision which is then reviewed by the Planning Board. After deliberation, the draft may be revised as required by the Planning Board.
18. Once approved, the written decision is signed by the Planning Board, usually at the next scheduled Planning Board meeting, but, if the matter is uncomplicated, it may be signed at the same meeting at which the hearing is closed.
19. An original signed decision is filed with the Town Clerk's Office the next business day, and another original is sent to you.
20. The Town Clerk's Office is required to record and hold the decision for the 20-day appeal period.
21. After the 20-day period, you must bring your original and have the Town Clerk certify in writing on it that the 20 days have passed without an appeal having been filed.
22. You then take the certified original to the Norfolk County Registry of Deeds or Norfolk Registry District of the Land Court (in the case of registered land) for recording.
23. Assuming you have all necessary zoning relief, you may apply a building permit. Be mindful, however, that the Building Inspector cannot issue a building permit without evidence that the decision has been recorded.

### 3. Variances

A variance is a permit to use land or structures or build or maintain structures in a manner that violates the Zoning By-Law. By law, the ZBA serves as the permit granting authority for variances. The state Zoning Act controls the procedures and standards for granting a variance (G.L. c. 40A, § 10). The ZBA may impose conditions, safeguards, and limitations of time and use if it decides to grant the variance. A variance is an extraordinary zoning remedy and no one is entitled to its issuance.

#### The Variance Process

1. In order to minimize issues before the ZBA, please meet with the ZBA administrator before filing an application.
2. In addition, you should meet individually with the Director of Planning and Community Development.

In order to grant a variance from certain dimensional and/or use requirements Needham Zoning By-Law, the ZBA must find that (1) owing to circumstances relating to the soil conditions, shape or topography of the land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, (2) a literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner **and** (3) that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw. In order to qualify for variance, you must be able to show that you meet **all** three requirements.

ment, the Town Engineer (if applicable), a member of the Public Works Department (if applicable), a member of the Police Department (if applicable) and a member of the Fire Department (if applicable) to discuss and resolve any issues pertaining to their departments. Since the Planning Board reviews and makes recommendations about ZBA permit applications, including requests for variances, you should have some idea of how the Planning Board will view the application. You may wish to attend the Planning Board's meeting when the ZBA application will be discussed.

3. When you are ready to file, submit the original together with thirteen copies of your variance application (including either 8.5" by 11" or 11" by 17" plan sets) for variance with the Town Clerk.
4. The ZBA administrator will review your project for completeness prior to scheduling a public hearing.
5. Usually, the ZBA holds its hearings on the third Thursday of the month and requires filings at least one month before. You must submit your com-

plete application and materials at least 24 days prior to a hearing date in order to meet statutory and newspaper notice requirements. (The statute requires publication once in each of two successive weeks. The first publication must be not less than 14 days before the hearing. The notice must also be posted for a period of not less than 14 days before the hearing.)

6. Thereafter, the ZBA administrator will distribute copies to the Planning Board and any other Town agency or department which is deemed appropriate.
7. Prior to the public hearing, written notices are sent by the ZBA to the applicant and abutters.
8. The Town departments, employees and agencies, as applicable, and the Planning Board will review and make recommendations to the ZBA.
9. By law, the ZBA must hold a hearing on any variance petition within 65 days after the application is filed with the Town Clerk, unless you agree, in writing, to an extension and the extension is recorded with the Town Clerk.
10. The public hearing process may be completed in one or two meetings, depending on the complexity of your request. You and your consultants should attend all public hearings. During the hearing process, the ZBA may decide to conduct a site walk, which you should also attend.
11. The ZBA will deliberate after the hearing is closed. This may or may not occur at the same meeting when the hearing is closed.
12. The ZBA has 100 days from the filing of your variance application to take final action, i.e., to file a written decision with the Town Clerk. Again, the decision deadline may be extended by written agreement between you and the ZBA, and the agreement must be filed with the Town Clerk. By statute, the grant of a variance requires an affirmative vote of all three members of the ZBA.
13. Once approved, the written decision will be signed by the ZBA, usually within 30 days of the date the public hearing is closed.
14. One signed original decision is filed with the Town Clerk, who must record and hold the decision for the 20-day appeal period. You will also receive an original of the signed decision.

15. Following the 20-day appeal period, you must bring your original to the Town Clerk for certification that the appeal period has lapsed without appeal having been filed.
16. You will then need to record the certified original with the Norfolk County Registry of Deeds or Norfolk Registry District of the Land Court (in the case of registered land).
17. Thereafter, assuming you have all necessary zoning relief, you may apply a building permit. No building permit can be issued without evidence that the variance has been recorded because it is not effective until then.

## B. Comprehensive Permits

Please see the Town's Chapter 40B Comprehensive Permit Guidelines.

## C. Subdivision Approval

If your project involves constructing a new or adequate street to provide access to newly divided lots or parcels which would not otherwise have enough frontage on a way, you need to obtain subdivision approval from the Planning Board for your development. Doing so requires learning about the zoning requirements that apply to your land and becoming familiar with the Planning Board's Subdivision Regulations and Procedural Rules (the Subdivision Regulations). If you propose lots on an existing way that provides adequate access and the lots will meet the minimum frontage requirements of the Zoning By-Law, you may be able to obtain an endorsement of your plan as an "Approval Not Required" or ANR plan under the Subdivision Control Law, G.L. c. 41, § 81P. In order to endorse an ANR plan, the Planning Board must determine that the submitted plan does not constitute a subdivision.

If you have any questions about the Planning Board's Subdivision Regulations and how they affect your property, schedule an informal discussion first with the Director of Planning and Community Development and second, if recommended, with the Planning Board. Informal discussion may save you both time and money in the long run because you will have the information you need before you finalize your plans. In general, applying for subdivision approval requires filing an application that includes a survey by a registered land surveyor; project plans by a registered engineer as specified, drainage calculations and stormwater management measures, street layout and parking, and a list of waivers (if any) under the Subdivision Regulations.

**Approval Not Required.** Submittal requirements under Sub-Section 2.2 of the Subdivision Regulations for ANR plans include three sets of plans, a completed application, payment of filing fee, delineation and description of any lots in their entirety, identification of boundaries which are to be changed or shown without change, any zoning district boundaries which may pass through the lots, any area subject to the Wetlands Protection Act, Inland Protection Act, any land area located in a Flood Plain District, location of any structures on the lots or abutting their boundaries, and the status of any way shown on such plan. The Planning Board has 21 days after submission to notify the applicant and Town Clerk of its decision. The endorsed ANR plan must be recorded in the Norfolk County Registry of Deeds or Norfolk Registry District of the Land Court (in the case of registered land) in order to convey good and marketable title to the lots.

**Preliminary Plans.** Preliminary subdivision plans must be submitted for a non-residential subdivision and may be submitted for a residential subdivision. Under Subsection 3.1 of the Subdivision Regulations, you will need to submit a completed application, a list of abutters, and fourteen sets of plans (including six reduced plan sets and eight regular plan sets) with the existing and proposed lines of streets, the approximate boundaries of existing and proposed lots, the proposed drainage system, major land features existing on the property, and soil types, and pay the filing fee. The Planning Board provides the Town Clerk with written notice of the submission. The Planning Board and the Health Department have 45 days after submission to notify the applicant and Town Clerk of their decision. Review of the preliminary subdivision plan does not require public hearing. Approval (if any) cannot be recorded, and there is no appeal from a denial.

**Definitive Plans.** Definitive subdivision plans must be submitted for approval of all subdivisions. Under Sub-Section 3.2 of the Subdivision Regulations, you will need to submit a complete subdivision application, which includes the application form, filing fee, survey, original and fourteen sets of plans (including six reduced plan sets and eight regular plan sets), municipal service and utility plans, area locus, existing and proposed contour plans, existing and proposed streets, boundaries of existing and proposed lots, proposed drainage system, major land features and soil types, and any waiver requests. The application must be filed with the Planning Board by hand or by registered mail to the Planning Board, care of the Town Clerk. In addition, you need to submit a plan set to the Health Department and notify the Town Clerk of your application. See Sec-

tions 3.2.3 and 3.3 of the Subdivision Regulations for detailed plan submission requirements, including street and construction details.

Within 10 days of receiving the application, the Planning Board sets a date for public hearing, advertises the hearing in the local paper, and mails notices to abutters. The Planning Board also transmits a copy of the application and plans to the Public Works Department. The Health Department has 45 days to file a report with the Planning Board. No later than the public hearing, the Public Works Department sends a report to the Planning Board as well. After the public hearing is closed, the Planning Board has to make a decision and file its certificate of action with the Town Clerk within 90 days of the application date (if the definitive plan followed submission of a preliminary plan) or within 135 days of the application date (if you did not submit a preliminary plan). Of course, you may agree in writing to extend the Planning Board's deadline for filing a certificate its action with the Town Clerk. The approved subdivision plan must be recorded in the Norfolk County Registry of Deeds or Norfolk Registry District of the Land Court (in the case of registered land) in order to convey good and marketable title to the lots.

To ensure compliance with the Planning Board's decision and proper completion of subdivision improvements, you will be required to post security in the form of a bond or deposit of cash. You may also be required to record a covenant to run with the land. Subdivision plans may be modified or amended, but such changes usually require renewed public hearings.

## D. Sign Permits

Needham's sign By-Law is contained in Article 5 of the Town's General By-Laws.

A sign permit is required for any new outdoor signage, window signage, or for alterations to existing signage. No sign can be erected, enlarged, redesigned, structurally altered, or used without review by the DRB and a sign permit from the Building Inspector. Section 5.3.5 of the Sign By-Law provides guidelines for sign design. Although some types of signs are allowed in all zoning districts, most signs are not. You need to review Section 5.5 to determine whether the sign you propose is allowed, allowed by special permit, or prohibited. Additionally, please consult the Town of Needham Design Guidelines for the Business Districts so you can become familiar with Town's design objectives for the district in which your property is located.

The DRB usually meets on the first and third Monday of each month. Contact the Planning and Community Development Office at least one week before a scheduled meeting in order to be placed on the agenda.

## Sign Permit Process

The permitting process for signs is as follows:

1. Seek informal input from the DRB prior to formally filing any sign permit.
2. All sign permit applications must be submitted to the Building Inspector, together with a photograph of the façade (if attached) or area of intended location (if not attached), and two prints of scale drawings of the sign and its supporting structure. You must also file five copies of the permit application, including five copies of all application materials, with the DRB.
3. The DRB has 35 days to review your sign permit request.
4. After the DRB reviews your application, the Building Inspector will issue a permit within 45 days of the filing of the application if the sign complies with the Sign By-Law.
5. If you want to apply for a sign that does not meet the requirements of the Sign By-Law, you still have to apply to the Building Inspector for a sign permit. Since the sign does not comply, the Building Inspector must inform you in writing, within 60 days of the application date, why your permit was denied, and send a copy to the DRB.
6. If the Building Inspector denies your application or fails to act on it, you may appeal to the DRB within 30 days. To do so, you must file a copy of your appeal with the Town Clerk. Alternatively, you may file an Application for Special Permit for the sign. The Building Inspector will assist you with these requirements.
7. The DRB will set a date for and hold a public hearing on your appeal and/or special permit application. At your expense, you must provide notice of the public hearing at least seven days in advance by advertising it in a newspaper of general circulation in Needham. The Town Clerk must also post the notice at least seven days in advance at Town Hall. In addition, at least ten days before the hearing, you need to mail the notice by certified mail, return receipt requested, postage prepaid, to all abutters, owners of land directly opposite the proposed site of the sign, and abutters to abutters within 300 feet

of the property lines. Again, the Building Department will assist you with these requirements.

8. The DRB has 75 days to act on an appeal or special permit application. Special permits for signs are **not** transferable.

Section 5.3.5 contains design guidelines applicable to all sign applications. Section 5.4 sets out general regulations regarding signs, including maintenance, illumination, location and types not permitted. Finally, Section 5.5 details the types of signs which are permitted as of right and by special permit in the various zoning districts. Careful attention should be paid to the requirements of attached and freestanding signs, as well as the use of temporary signs.

## E. Wetlands Permits

Any activity that will “remove, fill, dredge, or alter” a wetland resource area, the 200-foot riverfront area, or the 100-foot buffer zone around a wetland resource area, requires a permit from the Needham Conservation Commission under the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and the Needham Wetlands Protection By-Law (Article 6 of the General By-Laws). Approval from the Conservation Commission protects several public interests: to ensure that no adverse impacts occur to the wetland resource areas or their ability to protect public and private water supply, groundwater, and water quality; to prevent flooding and storm damage; and to protect wildlife, wildlife habitat, and fisheries (collectively referred to as public interests). If you plan to carry out any work within a wetland resource area or buffer zone, you need to apply for and obtain a permit or a formal determination that your project will not adversely impact resource areas. Thus, if your project involves activities like construction, demolition, grading, landscaping, cutting of trees or brush within a wetland resource areas, within 100 feet of a wetland or stream, or within 200 feet of the Charles River or other perennial stream, then you must comply with applicable laws and obtain approval from the Needham Conservation Commission.

The applicant is responsible for preparing and filing a complete, correct application that accurately describes the site and the proposed work. In addition, the applicant must demonstrate, through the plans and information submitted to the Commission, that the proposed work proposed meets the performance standards under 310 CMR 10.00 (Massachusetts Wetlands Protection Regulations) and the Needham General Wetlands Protection By-Law.

## Permit Applications

**1. Request for Determination of Applicability.** A Request for Determination of Applicability is an application to determine whether a project is subject to the Wetlands Protection Act or Needham Wetlands By-Law, specifically if the proposed work will require a permit. (Some minor activities, such as small alterations of the buffer zone more than 50 feet from a wetland, may not require a permit.)

If you are not certain whether your work falls under the jurisdiction of the Conservation Commission, this is the document you will file. You may get one of three possible decisions: Positive Determination of Applicability (a decision that the proposed work is subject to the wetlands regulations and requires the filing of a Notice of Intent); Negative Determination of Applicability (a decision that the work is not subject to the wetlands regulations and does not require the filing of a Notice of Intent); or Negative Determination of Applicability with Conditions (a decision that the work is within the 100-foot buffer zone and will not adversely affect the wetland resource area if certain conditions or precautions are taken). There is no state filing fee for a Request for Determination, but a fee is required under the Town By-Law.

**2. Abbreviated Notice of Resource Area Delineation (ANRAD).** You would file this application if you wanted the Conservation Commission to review and approve the delineation of wetland resource areas at a site. There are both state and local filing fees associated with this application.

**3. Notice of Intent or Abbreviated Notice of Intent.** This application requests that the Conservation Commission approve work within a designated wetland resource area and/or 100-foot buffer zone. The Commission may issue an Order of Conditions permitting the project with conditions that protect the wetland resource areas or deny the work because it cannot be conducted without adverse impacts to the wetland resource areas. The local filing fee is based on the project type as described in the Conservation Commission’s regulations. In addition, you must pay the filing fee required by the Department of Environmental Protection (DEP) under the Wetlands Protection Act. To ensure compliance with a valid Order of Conditions, you will need to file a Request for Certificate of Compliance when the project is completed.

**4. By-Law Application for Permit.** This is an application under the Needham Wetlands By-Law to

request that the Conservation Commission approve work under the By-Law within a designated resource area. If the project is located within state jurisdictional wetland resource areas, the state permit application forms (Notice of Intent) must also be submitted to the Commission. There are local By-Law filing fees associated with this application.

### Wetlands Permitting Process

Regardless of the type of application you file, the Conservation Commission will hold a public hearing within 21 days from the receipt of a complete application. You must provide written notice of the public hearing to all abutters at least seven business days prior to the hearing date, by hand delivery, certified mail, return receipt requested, or certificate of mailing. The Commission

will give notice by publication at your expense at least five business days prior to the scheduled public hearing. Once the public hearing is closed, the Commission will issue its decision within 21 days, unless you authorize an extension in writing. If the Commission issues a permit, it may impose any conditions it deems necessary to protect the public interests.

There is a 10-day appeal period associated with any Conservation Commission permits. A permit expires within three years of issuance, but the Commission may issue one for five years for recurring or continuous maintenance projects. A permit can be extended for one period up to three years so long as you request an extension at least 30 days prior to the expiration of the permit.



## VI. PERMITS, LICENSES, AND APPROVALS FROM OTHER BOARDS AND DEPARTMENTS

The following list of licenses and permits, though not exhaustive, will give guidance about most types of business-related applications.

### A. Public Works Department Permits

The Public Works Department issues permits, licenses, inspections, and approvals for several purposes discussed below.

**1. Public Way Access Permit:** a permit that allows creating access to an existing public way.

**2. Application for Street Permit:** an application for a permit issued by the Department for any work to be conducted in, within, or affecting a public way, including sidewalks within the street layout.

If your project involves occupying, obstructing, or excavating within a street easement or public land, you need to complete an application, provide proof of insurance, post a surety bond with the Town, pay permit fees, and comply with Town specifications. These specifications include:

- Each application form must be completely filled out and signed by the licensed contractor and accompanied by the appropriate plans and fees.
- A complete plan set and specifications must be submitted at the time of application.
- The plans must be drawn at a scale of 1"=40' or greater and drawn on the form provided, and must contain at the minimum the following information: general information including address(es) of the area where work is proposed; name, address and telephone number of the person preparing the plan; name, address, and telephone number of the Applicant; street name(s) of the roadway(s) being affected; north arrow; and scale of plan. Within 100' of all proposed work: all property lines, utility poles and numbers, mailboxes, signs, trees, and above ground wires; all underground utilities; all driveways, intersections and limits of pavement; all fences, walls, guardrails, curbing, berms and rock outcrops; all ditches, swales and streams; all wetland and flood plain areas; and all pavement markings. The plans must show the approximate location and extend of

the proposed work.

- If your work will disrupt normal traffic flow, result in actual work in the street, or cause a safety hazard, you will have to submit a traffic control plan that demonstrates how the public will be protected and public access will continue through work areas. Required safety precautions as determined by the Chief of Police may include the location of barriers or barricades, lights, warning signs, and/or arranging for a police detail.

General guidance regarding Street Permits may be found in the Department of Public Works' Street/Sidewalk Permit Guide, and specifics in the Departments' Street Permit Procedures and Regulations. It is important to note that these permits are issued only to licensed contractors on the Department's website, and no work is permitted between November 15 and April 1. You must protect private property, survey monuments and markers, and shade trees during construction. Upon completion, the contractor must submit a written notification that the work was completed in conformance with the permit. Before beginning any project, make sure the work is not precluded by a moratorium.

**3. Application for Street Excavation Permit:** an application for a permit issued by the Department for excavation of a trench on public ways, public property and privately owned properties. General guidance regarding Street Excavation Permits may be found in the Department of Public Works' Street/Sidewalk Permit Guide, and specifics in the Departments' Street Permit Procedures and Regulations. State requirements for trenches may be found in 520 CMR 14:00, which is attached to the Department's Street Permit Procedures and Regulations. Notification to public utility companies is required prior to any excavation.

**4. Sewer System Entry Permit:** a permit for tying into the municipal sewer system. To obtain an entry permit, you must complete the Department's Application for Connection with Sewerage Systems and pay the required fees. Details and specifications for this permit may be found in the Department's Sewer Service Connection Requirements Guide.

**5. Water System Entry Permit:** a permit for tying into the municipal water system. To obtain an entry

permit, you must complete the Department's Application for Water Service, together with a Drain Entry Permit, and pay the required fees. Details and specifications regarding the permit are provided in the Department's Water Service Connection Requirements Guide.

**6. Drain Entry Permit:** a permit for tying into the municipal drainage system. To obtain an entry permit, you must complete the Department's Application for Connection with Drainage System and pay the requisite fees. Details and specifications regarding the permit are provided in the Department's Drain System Connection Requirements Guide.

In addition, the Engineering Division of the Department of Public Works reviews subdivision and site plan applications and accompanying plans, as well as survey plans, submitted to the Planning Board. It also provides recommendations to the Planning Board on all types of development projects. New construction or renovations that introduce new discharge or increases an existing discharge of stormwater requires compliance with the Town's Memorandum of Understanding with the Department of Environmental Protection regarding stormwater management.

## B. Health Department Permits

The Needham Health Department issues various permits related to the development process. They include:

**1. Notification of Demolition:** In order to receive a demolition permit from the Building Department, you must first submit this form to the Health Department. All structures to be demolished need to be inspected by a licensed rodent/pest control inspector, which inspection takes about a week to schedule, and by a certified asbestos inspector, which inspection takes about a month. You will need to inform the Health Department if there is a septic system on site and whether you intend to abandon it. If you are retaining an existing septic system, you will need to take measures to protect it during demolition and construction, and if you are abandoning it, you need to file the appropriate forms. Further guidance may be found on the Health Department's Demolition Guidelines. Please remember that you also will need to check with the Fire Department about the possible existence of an underground fuel storage tank and obtain the Department's approval. You will also have to properly dispose of any mercury thermostats at the Needham RTS or Health Department. If the structure is historically significant, your proposed demolition will be subject to

the Town's Demolition Delay By-Law (see Section D hereafter) and the demolition permit may be delayed.

**2. Abandonment of Septic/Cesspool System and Connection to Sewer:** If you are abandoning an existing septic system and you plan to tie into the Town's sewer system, you will need to submit this form to the Health Department. The application requires the following documentation: septic pumping report by a licensed septic hauler; signed confirmation of the procedures used to abandon the system (e.g., that you removed the septic tank or you ruptured the bottom of the tank or caved in the cesspool, filled it with clean sand/gravel, and capped the pipe) and you connected to the sewer line. In addition, contact the Water and Sewer Division of the Department of Public Works for sewer connection information.

**3. Construction of New Septic System or Repair, Replacement or Alteration of an Existing One:** File your septic design plans with the Health Department in accordance with its filing requirements. The Health Department is responsible for reviewing plans for compliance with health-related regulations. Depending on the nature and location of the proposed septic system, the permitting process can take anywhere from a week to a month. Please see the Health Department's checklist for septic system design plans. Bear in mind that Title V regulations require septic systems to be located sufficiently away from public and private wells.

**4. Abandonment of a Well Form:** You will need to submit a form which contains a signed confirmation of the procedures used to abandon the well. You need to either cap/plug the pipe to the former well or fill the well to the top with concrete.

**5. Well Application Form:** If you plan to install a private well, you will need to submit this form with the required information and affidavits. The application requires review and approval by the Town's Water and Sewer Division, Building Department, Engineering Division, Planning and Community Development Department, and Fire Department. Please see the Health Department's Rules and Regulations for Registration and Construction of Private Water Systems.

**6. Soil Testing Application:** If you have to perform a drainage analysis for your development, or if you plan to construct a new septic system or repair, replace or alter an existing one, or you want to expand a structure with an existing septic system, you need to have the Health Department witness the testing. Be mindful

of any wellheads in the vicinity before siting a septic or drainage system.

**7. Food Permit Application:** The Health Department reviews plans for construction and renovation of food establishments, inspects and licenses such establishments, conducts on-site training about food safety issues, investigates foodborne illness, and handles complaints. A Food Permit Application is required for all new, remodeled, or converted food service establishments where food is produced, heated, opened, sliced, or prepared in any way for public consumption. (This includes milk.)

Other entities that must obtain a food permit include: Retail businesses (where products are packaged by licensed manufacturers and remain intact until opened by the consumer), caterers (where meals are prepared and transported for individual portion service or a company is preparing food in a location other than its licensed establishment), mobile operations (self-propelled vehicle-mounted food establishments or push carts), and frozen dessert manufacturing (which must be separately permitted and require monthly testing). An applicant must submit a completed Food Establishment Permit Application and Food Establishment Plan and Specifications form. Temporary Food Permit Applications for special events/locations must be submitted thirty days in advance. Please see Coordinator's Checklist for Temporary Events on the Health Department's website.

**8. Application for Permit to Sell Tobacco & Tobacco Products:** If your business sells tobacco or tobacco products, you need a permit from the Health Department and a Cigarette Retailer's License from the Massachusetts Department of Revenue. You will also need to be familiar and comply with Needham's Tobacco Sales Permit Conditions, which are available from the Health Department. The Health Department provides training through videos and DVDs, and any person selling these products must certify that his/her employees have watched the instructive videos/DVDs and read the associated materials.

**9. Biotechnology Registration Regulation:** All institutions proposing any use of recombinant DNA ("rDNA") technology in Needham must first register with the Health Department before engaging in any rDNA activity, including construction or renovation of facilities for rDNA uses. Such registration is valid for one year and must be renewed annually.

## 10. Other Health Department Licenses and Permits that May be Relevant to Your Business

Application for Septage/Medical Waste/Grease Hauler Permit

Application for Septage Installer Permit

Disposal of Sharps/Acupuncture Permit

Burial Permit

Animal Permit

Camp Permit

Tanning Facility Permit

Body Art Establishment and/or Body Art Practitioner Permit (see Needham Board of Health Regulations regarding same)

Semi-public Swimming Pools Permit

Pool Variance Permit

Bottling Permit

Hotel/Motel Permit

Trench Permit

Septic Installer Permit

Disposal System Construction Permit

Funeral Director's License

## C. Fire Department

The Fire Department issues permits, approvals, licenses, and inspections for:

1. Blasting
2. Commercial Victualer Safety Inspection and/or License
3. Cutting/Welding
4. Construction or Alteration of Commercial Garage or Gas Station
5. Storage of Hazardous Materials/Flammables
6. Storage of Smokeless Powder

7. Installation or Removal of Underground Storage/ Gas Tanks (Note: the removal of any UST requires signoffs by Sewer Division, Water Division, Building Department, and Fire Department before the Fire Department can issue a permit.)
8. Oil Burner Installation of Equipment
9. Installation or Removal of Basement Tanks
10. Tank Truck Inspections
11. Commercial and Residential Fire Alarms
12. Smoke/Carbon Monoxide Detectors
13. New or Renovations to Sprinkler/Fire Alarms
14. Generic/Ansul System
15. LPG Storage
16. Hotel Inspection and Compliance
17. Nursing Home Inspection and Compliance
18. Demolition sign-off regarding underground storage tanks and hazardous materials

## D Historical Commission

The Historical Commission oversees the Demolition Delay By-Law (General By-Laws Section 2.11.5). The By-Law does not prohibit demolition of historically significant buildings, but it may result in postponing demolition in order for the property owner and the Commission to explore preservation alternatives to destruction. If a building is on the Needham Historical Commission's Inventory, a demolition permit application will be referred to the Historical Commission for its review.

The By-Law sets the procedures and time for review. The Historical Commission has 21 days to determine if the building is historically significant. If so, the applicant must submit the Demolition Plan as defined by the By-Law to the Historical Commission, which in turn must hold a public hearing within 45 days. If the Commission determines that the building is "preferably preserved," then the application to demolish cannot be returned to the Building Department for a period of six months from the filing of the Commission's decision with the Town Clerk. Efforts will then be made to negotiate a preservation plan. Regardless of whether a preservation solution is agreed to, the demolition permit application will be returned to the Building Department at the end of the six-month delay period.

## E. Town Clerk

**1. Business Certificate:** Under G.L. c. 110, § 5, any person conducting an unincorporated business under any title other than the real name of the business owner, whether individually or as a partnership, must file a business certificate with the Town Clerk. The certificate is popularly known as the "doing business as" or "d/b/a" form. The Certificate is in effect for four years and may be renewed.

**Auctioneer License:** If you plan to conduct an auction or sale, G.L. c. 100, § 10 requires you to file an Application for Auction Permit with the Town Clerk and pay a filing fee. The Town Clerk will obtain the requisite sign-off from the Police Chief and notify you when the permit is available.

## F. Board of Selectmen

**1. License for Storage of Flammables:** The Board holds hearings and issues licenses for the storage of flammables, including gasoline and propane. These licenses must be renewed by April 30 each year through the Town Clerk's office. Source of authority: G.L. c. 148, §§ 10A, 13, 38A and 39A and the Needham Fire Code.

**2. Lodging House Permit:** The Board issues permits to run a lodging house where four or more unrelated persons share a kitchen or bathroom. To apply, you must submit the application form and documents and pay the required fee. A public hearing is required, and the Fire Department and Health Department should be contacted regarding their requirements. The permit expires annually on January 31. Source of authority: G.L. c. 140, §§ 22-32.

**3. Innkeeper License:** If you plan to operate a motel, hotel, inn, or bed and breakfast, you need an innkeeper's license. To obtain a license, you must submit the application form, required fee, and documents to the Board. The Board will coordinate application review and inspections by other Town Departments. The license expires annually. Source of authority: G.L. c. 140.

**4. Junk Dealer/Second Hand Goods License:** If your business involves the purchase or sale of junk, old metals, or second hand items, you must obtain a permit from the Board. The license expires annually on April 30. Source of authority: G.L. c. 140, § 54.

**5. Automatic Amusement Device License:** If your business uses coin-operated machines or health machines, you will be required to fill out this application and seek a license to operate from the Board.

These licenses expire annually on January 1. Source of authority: G.L. c. 140, § 177a.

**6. Entertainment License:** For any concert, dance exhibition, cabaret, or other performances at a business establishment, you need an entertainment license from the Board. These licenses expire annually on January 1. There is a separate license for Sunday performances. Source of authority: G.L. c. 140, § 181.

**7. Bowling Alley License:** A bowling alley business requires a bowling alley license from the Board. These licenses expire annually on April 30. Source of authority: G.L. c. 140, § 177.

**8. Common Victualler License:** The Board issues this license to allow food and non-alcoholic beverages to be sold, served, and consumed on premises. No food establishment with seating for the consumption of food may operate without a Common Victualler License. Permits and approvals are also required from the Health Department. In addition, you should check with the Public Works Department about grease trap requirements and the Fire Department for fire code requirements. If your food establishment serves all alcohol or just wine and beer, you must also obtain alcohol licenses from the Board. These licenses expire annually on January 1. Source of authority: G.L. c. 140.

**9. Class I and II Motor Vehicle License:** These licenses are required to sell new vehicles (Class I), or to buy, sell, exchange or assemble second-hand motor vehicles or parts (Class II). In addition to requiring a Special Permit in many zoning districts, these uses require licensure by the Board of Selectmen. Licensure includes scooters, mopeds and other limited use vehicles. Various Town departments will conduct inspections to ensure that all permit and safety requirements are met. These licenses expire annually on January 1. Source of authority: G.L. c. 140, §§ 57- 58.

**10. Livery and Taxi License:** You need this license from the Board if you operate a vehicle for hire (livery or taxi). The license cannot be transferred without Board approval. The license expires annually on April 30. Source of authority: G.L. c. 40, § 22.

**11. Alcoholic Beverage License:** There are several types of licenses for selling alcoholic beverages. Issuance is governed by the Board of Selectmen's Regulations for the Sale of Alcoholic Beverages and all applicable State requirements. To apply for an all-alcohol license, your restaurant must provide seating for 100 or more patrons; for restaurants with under a 100

seats, only wine and beer licenses are available. A public hearing is required for the issuance of alcoholic beverage licenses. Also, if you propose to provide service of alcoholic beverages in an area designated for outdoor seating, you must file an Alteration of Premises ABCC form with the Board and obtain their approval.

## G. Tree Warden

All trees within a public way or on the boundaries thereof are public shade trees protected under G.L. c. 87, § 3. They cannot be cut, trimmed, or removed without a prior written permit from the Tree Warden after a public hearing. If there is any doubt about whether a tree lies within the public way, it is presumed to be so absent evidence to the contrary.

The procedure for securing a permit to cut, trim or remove a public shade tree is as follows:

1. Submit a written request to the Tree Warden at the Department of Public Works.
2. The Tree Warden will schedule a public hearing. The public hearing is normally held by the Board of Selectmen, but for a public shade tree on a Scenic Road, the Planning Board will conduct the public hearing.
3. Notice of the public hearing must be posted in two or more public places and on the tree at least seven days before the hearing. It is also published once in each of two successive weeks in the newspaper not less than seven days before the scheduled hearing.
4. The Tree Warden inspects the tree and makes a recommendation to the board.
5. Upon completion of the public hearing, if approved, the Tree Warden issues a written permit.

## H. State Permits

It is outside the scope of the Guide to provide a comprehensive list of permits from non-Town entities. Some state permits which may be relevant to your development include:

**1. State Highway Access Permit:** Any new or altered driveway or new use with a substantial impact upon an existing opening onto any state roadway requires a highway access permit from the Massachusetts Department of Transportation (MassDOT).

**2. Massachusetts Environmental Policy Act (MEPA):** For “works, projects, and activities” undertaken, funded, or requiring a permit from state agencies which exceed certain thresholds, you may be required to submit an Environmental Notification Form (ENF) or an Environmental Impact Report (EIR). Source of authority: G.L. c. 30, §§ 61-62H, and 301 CMR 11.00.

**3. Water Quality Certification:** For any project that alters over 5,000 sq. ft. of wetlands and/or dredges more than 100 cubic yards of land under water, you are required to submit a Section 401 Water Quality Certification to DEP. Source of authority: G.L. c. 21, §§ 2, 4, 8, 14, and 26-53, and 314 CMR 9.00.

**4. Massachusetts Endangered Species Act (MESA):** If the project falls within a Priority Habitat of Rare Species, as shown in the Massachusetts Natural Heritage Atlas and does not qualify under any state exemptions, you must file with the Natural Heritage and Endangered Species Program (NHESP). The type of filing depends on your project and whether NHESP determines that the project will result in a “take” under MESA. Source of authority: G.L. c. 131A, and 321 CMR 10.00.

## I. Federal Permits

It is outside the scope of the Guide to provide a comprehensive list of permits from non-Town entities. Some federal permits which may be relevant to your development include:

**1. Federal Clean Water Act:** If your project involves work affecting the “course, location, condition or capacity” of navigable rivers and/or tidal areas, you are required to file with the U.S. Army Corps of Engineers under Section 404 of the Clean Waters Act. Source of authority: 33 U.S.C. 1344 et seq., and 33 CFR Part 323.

**2. Stormwater Management:** If your construction activities disturb one or more acre of land that is regulated under the National Pollutant Discharge Elimination System (NPDES), you need a permit from the Environmental Protection Agency (EPA). Source of authority: Federal Clean Water Act, 33 U.S.C. 1251 et seq., and 40 CFR Part 122.

**3. Federal Clean Air Act:** If your project causes certain emissions or hazardous air pollutants from new sources, you will need a Clean Air Act construction permit or Title V permit from DEP or, in some cases, from the EPA. Source of authority: 42 U.S.C. 7401 et seq. and 42 U.S.C., 7661 et seq., and 40 CFR Part 70.

## VII. GETTING YOUR BUILDING PERMIT

### Introduction

The Building Department staff is available to address questions or concerns most anytime during office hours (see page 5). No appointment is necessary, but if no one is available, you should leave your name, telephone number, and nature of your inquiry so someone can get back to you.

Permit applications are accepted during regular business hours. The Building Inspector does not have to be in the office for someone to submit a permit application. If you call or come into the office to talk with the Building Inspector or his designee, and one is not available, leave your name and telephone number.

### What is the Building Code?

Building codes are promulgated for the purposes of protecting public health, safety and welfare. These codes are legal documents that regulate the construction and alteration of buildings. They include a variety of regulations, including light, ventilation, demolition, plumbing, electrical, construction, fire protection, and structural standards. The standards are designed to reduce potential construction hazards and costs, provide safe construction standards, and contribute to community well-being by assuring compliance with those standards. [Copies of the State Building Code may be obtained from the State House Book Store in Boston. For more information, call 617-727-2834. The State Building Code is also available online from the Board of Building Regulations and Standards, [www.mass.gov/eopss/agencies/dps/building-codebbrs.html](http://www.mass.gov/eopss/agencies/dps/building-codebbrs.html)]

### Who Needs a Building Permit?

A building permit is a license that grants legal permission to demolish a building or structure, to start construction of a building, addition, or structure, or to make modifications, improvements, enhancements, alterations or changes to an existing building or structure. Building permits are required for all construction that is not an “ordinary repair,” defined in the State Building Code 780 CMR as follows:

“REPAIRS, ORDINARY. Any maintenance which does not affect the structure, egress, fire protection systems, fire ratings, energy conservation provisions, plumbing, sanitary, gas, electrical or other utilities.”

You should consult this provision of the Code in the event the State changes or modifies this definition in future.

Building permits are required by Section 110.0 of Massachusetts State Building Code (780 CMR). It is unlawful to construct, alter, repair, remove or demolish a structure, 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 applying in writing to the Building Inspector for a permit.

To determine whether you will need to obtain a building permit answer the next five questions:

1. Does your project include the demolition of a building or structure or part thereof?
2. Does your project include the construction of a new building or addition other than a one story detached accessory building used as a tool or storage shed, playhouse or similar structure that is less than 100 square feet in floor area?
3. Does your project include the installation of a fence that is higher than 8 feet?
4. Does your project include the construction of a retaining wall(s), which may be construed to be a threat to the public safety, health or welfare and which would retain more than four feet of unbalanced fill?
5. Does your project include repairs or alterations which include any of the following:
  - a. Removal of any wall, partition or portion thereof,
  - b. Removal or cutting of any beam, column or other load-bearing support,
  - c. Removal or change of any required means of egress,
  - d. Rearrangements of parts of a structure affecting egress requirements,
  - e. Additions, alterations, replacement or relocation of any standpipe, water supply, mechanical system, windows, fire protection system, energy conservation system, or

- f. Other work affecting public health or general safety?

If you answered “yes” to any of these questions, you need to obtain a building permit from the Building Department.

If you answered “no” to any of these questions, you may not need to obtain a building permit from the Building Inspector. If you answered “not sure” to any of these questions, you should consult with the Building Department staff in order to determine whether you will need to obtain a building permit for your project. In any event, you should not use your own judgment in determining whether you will need a building permit. Ask the Building Inspector even if you think the answer is no.

In addition, you should ask yourself the following additional questions:

1. Will your project change the use of or change any space within a building?
2. Will you be working on any electrical, sheet metal, plumbing or gas systems?

If you answered “yes” to either question, you need to obtain a building permit from the Building Inspector.

If you answered “not sure,” consult with the Building Inspector to determine whether you will need to obtain a building permit for your project. Even if you think the answer is no, you should make inquiry and not rely on your own judgment.

The building permit must be obtained before the start of any work and must be prominently posted at the job site. Additional categories of building permits required by the State Building Code include:

- Sign permits
- Asbestos removal permits
- Demolition permits
- Plumbing permits
- Gasfitting permits
- Electrical permits
- Sheet metal permits

## Who Can Request a Building Permit?

A Building Permit is issued to a contractor who is licensed for work on **commercial** property and uses in accordance with construction documents prepared by a registered architect or engineer. These professionals are responsible for supervising critical aspects of the construction. Under the State Building Code, however, the property owner must also sign the building permit application. If the licensed construction supervisor designated on the permit application leaves the project before completion, construction work must cease and the Building Inspector must be notified immediately. A new licensed supervisor needs to be designated before construction work can continue.

## What Requirements Must Be Met Prior to Applying for a Building Permit?

1. **Zoning Compliance:** You must establish that your project complies with the Zoning By-Law or has the zoning relief required by the By-Law. (See Sections II and V A.)
2. **Wetlands Compliance:** Your project must meet all applicable requirements, if any, of the Massachusetts Wetlands Protection Act and Needham Wetlands Protection By-Law. (See Sections II and V E.)
3. **Subdivision:** If you are dividing your land, you have to comply with the Subdivision Control Law and the Subdivision Regulations and Procedural Rules of the Planning Board. (See Sections II and V C.)
4. **Sign By-Law Compliance:** Proposed signage must comply with the Sign By-Law. (See Sections II and V D.)
5. **Related Licenses and Permits:** Some of the permits or licenses required by other boards, commissions, or departments will be required before you can get your Building Permit; others may be obtained simultaneously or after you obtain your Building Permit. This should be discussed with the Building Department when you begin the development process. Many of the reviews and approvals should be done or at least investigated prior to filing the Building Permit Application. Otherwise, you may have to amend your Building Permit Application and contend with delays that could have been avoided. (See Sections II and VI.)

## How do I get a demolition permit?

If you have a preexisting nonconforming use, structure or lot, consult with the Building Inspector before moving forward with any demolition plans. By demolishing



a structure without taking requisite actions, you may permanently destroy any grandfathered zoning protection you have under G.L. c. 40A, § 6.

Before you can obtain a demolition permit, you need to file a Notification of Demolition form with the Health Department. Under that permit, you will need to have the premises inspected by a licensed rodent/pest control inspector and a certified asbestos inspector. The rodent inspection certification expires three months from the date of inspection or at the end of the ten-day baiting period if it was necessary. Asbestos must be removed according to state regulations and the air must be tested after removal. In addition, you will have to dispose of any mercury thermostats at the Needham RTS or Health Department. It takes approximately four to six weeks to comply with Health Department inspection requirements.

Once the Health Department has approved the Notification of Demolition form, you must hand-deliver it to the Needham Fire Department at 88 Chestnut Street so the Fire Inspector can inspect the premises and certify that all hazardous materials have been removed from the property. In fact, the Fire Department does a complete demolition inspection of the building and site prior to actual demolition. The contractor or owner is required to sign a copy of the Department's policy, which includes the need for a Fire Department detail during demolition. Thereafter, the Fire Department will issue a letter stating that the property has been inspected and is suitable for demolition.

In addition to Health Department and Fire Department approval, you must complete and file the Conservation Department Demolition Permit Request Form with the Conservation Department at least ten (10) business days prior to the anticipated issued date in order to receive the Commission's approval. The Building Inspector will not issue a demolition permit without it. Furthermore, you may have to comply with the Demolition Delay By-Law if you have an historically significant building. (See Section VI D.)

Once completed, the Notification of Demolition form and Fire Department letter need to be hand-delivered to the Building Department, along with the other items discussed below. (State regulations require that building officials verify the picture identification for every building permit application.)

If work is proposed in the street or sidewalk, if there are plans to occupy or obstruct the street or sidewalk, or if heavy trucks will need to cross the sidewalk, you

will need a Street Permit from the Public Works Department. To obtain this permit you will need to meet the insurance and bonding requirements listed in the Public Works Department's guidelines. To obtain this permit you will need, among other things, to meet the insurance and bonding requirements set forth in the Department's guidelines. Finally, pursuant to the current guidelines, you will need to provide either a street occupancy plot plan or building department plot plan, containing the following information: drawn to scale 1" to 40' or greater; address of project; name, address and telephone number of person preparing the plan; name, address and telephone number of applicant; street name of roadway being affected; north arrow; scale of plan; all property lines, utility poles and numbers, mailboxes, signs, trees, and above ground utilities within 100' of all proposed work; all underground utilities within 100' of all proposed work; all driveways, intersections, and limits of pavement within 100' of all proposed work; all fences, walls, guard rails, curbing, berms and rock outcrops within 100' of all proposed work; all ditches, swales, and streams within 100' of all proposed work; all wetland and floodplain areas within 100' of all proposed work; and all pavement markings within 100' of all proposed work. It can take up to a week for the Permit to issue.

You will also need to contact utility companies to cut and cap utilities in order to obtain a Demolition Permit. The utility company must issue a letter to you confirming that its services have been disconnected from the property and the property is ready for demolition. The utilities may include:

- Water Town of Needham DPW: 781-455-7550, ext. 340
- Sewer Town of Needham DPW: 781-455-7550, ext. 340
- Town of Needham Fire Department: 781-455-7580
- Gas Lines NStar Gas: 617-424-2675
- Electric Lines NStar Electric: 888-633-3797
- Telephone Lines Verizon: 781-555-1611
- Cable Comcast: 888-633-4266
- Cable RCN: 508-315-4502

Your request for a Demolition Permit must also include a completed Demolition Affidavit, proof of ownership (e.g., copy of deed), approval from the Conservation Commission, business letter from the contractor stating that all abutters have been notified of the demoli-

tion date and by what means that abutters were notified, and, of course, the building permit application and required materials (including the contractor's completed Worker's Compensation Insurance Affidavit).

Actual demolition requires a fire detail by the Fire Department. Commercial projects normally require a detail comprised of three firefighters (one being an officer) and a fire engine. The size of the detail may be increased if, in the opinion of the Fire Chief, the project requires it. The Fire Department needs at least forty-eight hours to fill your request. The purpose of the fire detail is to control the dust created during demolition and loading of debris into trucks for removal.

### What is the General Process of Securing a Building Permit?

1. Obtain the applications from the Building Inspector as applicable: Asbestos Removal Permit, Demolition Permit, Building Permit (only a licensed construction supervisor can obtain this permit), Sheet Metal Permit (only a licensed sheet metal worker can obtain this permit), Plumbing Permit (only a licensed plumber can obtain this permit), Gasfitting Permit (only a licensed gasfitter can obtain this permit), and Electrical Permit (only a licensed electrician can obtain this permit).
2. Return the completed application form and the required fee to the Building Department, with any required plans and information about your business. Please note that commercial building permits are issued only to licensed construction supervisors.
3. The Building Inspector and his staff will perform a plan review. Large or complex projects will be reviewed by the interdepartmental Development Review Team.
4. The Building Inspector or Building Department staff will notify you when your permit has been approved, including any necessary governmental approvals, and signed, or they will call with any questions or requests for additional information. The necessary governmental approvals may include the following:
  - a. *Public Works Department/Engineering*, which verifies that the utilities are laid out properly, the property lines are correct, easements are accurately shown, wetlands and floodplains are accurately shown, and building dimensions and offsets to property lines are accurately shown.
  - b. *Public Works Department/Water & Sewer*, which verifies that the water and sewer locations are laid out properly and determine if connections are needed.
  - c. *Public Works Department/Highway*, which determines if a Street Occupancy Permit is required and secures the bond from the contractor.
  - d. *Public Works Department/Administration*, which contacts the applicant and informs him of bonding, insurance, and street occupancy requirements.
5. The Building Department has, by law, 30 days to act on your Building Permit Application, assuming your application is complete.
6. For commercial projects, your contractor **must** file with the Building Permit Application an Affidavit certifying that his workers are covered by Worker's Compensation Insurance. Your architect and/or registered engineer must also submit a Preliminary Affidavit taking responsibility for the plans and specifications and monitoring of the project. (All forms are available on the Building Inspector's website.)
7. Once issued, the Building Permit/Job Weather Card must be displayed on the job site.
8. If the work authorized by the Building Permit does not begin within six months, the permit may be deemed abandoned.
9. Periodic inspections are required during demolition or construction. These inspections will be performed by your registered architect/engineer and the Building Inspector. The licensed electrician, sheet metal worker, gasfitter, or plumber should contact the appropriate inspector to schedule inspections of their rough and finished work. In general, you will require (as applicable) a footings or foundation inspection, rough inspection (rough electrical, sheet metal, plumbing and gas and fire department, and then rough building inspection), insulation inspection, and final inspection (final electrical, sheet metal, plumbing and gas, fire department, and then final building inspection). The results of the inspections are recorded on the back of the Building Permit/Job Weather Card. Weekly Reports from the architect and/or registered engineer must be completed and filed, together with the Certification to Accompany Periodic Reports. (All forms are available on the Building Inspector's website.) It is the responsibility of the licensed construction supervisor to notify the Building In-

spector so the final inspection can take place. Final affidavits for structural work, certified work project reports, and certified as-builds will be required.

10. Once the work is completed and approved, you will be issued a Certificate of Occupancy.

More specific information with regard to the building permit, construction, inspection, and occupancy processes will be available soon in the Commercial Building and Construction Permitting Checklist and Certificate of Occupancy Permit Checklist.

How long will it take to get a building permit?

Permits are usually issued within a few weeks. However, it can take less time in some cases and more in others. The time it takes is often dependent on the completeness and accuracy of the application. Please remember that all demolition permits, affidavits, plans, etc. must be complete before a building permit will be issued.

How long are permits valid?

Any building permit issued is deemed abandoned and invalid unless the work authorized by it is commenced within six months after issuance.

Does the Fire Department issue separate approvals?

The Fire Department does issue separate permits. A fire inspector will visit the site, review and approve the location of smoke detectors and, if applicable, the sprinkler system. The inspector will make a final inspection to make sure that everything is in working order and properly located. The Department usually accommodates inspection requests within a day or two of receiving a request.

How many days notice is needed to schedule inspections from the Building Department?

Generally, the Building Department needs only one or two days' notice. In some instances, more notice may be required.

Are there any restrictions on working hours?

Yes. Under Needham General By-Law Section 3.8.1, construction activity that causes noise beyond the property line is limited to the hours of 7 a.m. to 8 p.m. However, special permit decisions sometimes impose more restrictive work hours, so be sure to check your special permit and site plan decisions.

What is a Certificate of Occupancy?

No building, whether newly constructed, altered, or changed as to use, may be occupied until the Building Department issues a Certificate of Occupancy. The Certificate establishes that the structure or use complies with the State Building Code and the Needham Zoning By-Law. It will be issued following completion of the project and upon final inspection by the Building Department and other Town officials.

To obtain it, you will need to submit affidavits from the architect, engineer, and contractor certifying that the project was built in accordance with the approved plans and all applicable codes.

This guide is a publication of the Needham Planning and Community Development Department

Guide drafted by Devra G. Bailin  
Director of Economic Development  
in grateful recognition to her predecessor  
Joyce Moss' contribution to the vision  
And  
the input and guidance from my fellow  
Town employees without whose help  
this Guide would not have been possible

August 2011

## APPENDIX 1: PERMIT APPLICATIONS

Abandonment of Septic/Cesspool System  
Abandonment of Well  
Abbrev. Notice of Resource Area Delineation.  
Alcoholic Beverage License  
Animal Permit  
Ansul/Generic System Permit  
Appeal from decisions of Building Inspector  
Approval Not Required (ANR)  
Auctioneers License  
Automatic Amusement Device License  
Basement Tank (installation/removal)  
Billiards (Recreational Pool Table) License  
Biotechnology Registration - Ask at the Health Department  
Blasting Permit  
Body Art Estab. Or Practitioner Permit  
Bottling Permit  
Bowling Alley License  
Building Permit  
Burial Permit - Ask at the Health Department  
Business Certificate  
Camp Permit  
Caterer - See Food Permit or Temporary Food Service  
Certificate of Occupancy  
Commercial Garage or Gas Station  
Common Victualler License and Inspection  
Comprehensive Permit (G.L. c.40B)  
Cutting and Welding Permit  
Definitive Subdivision Approval  
Demolition Delay Review  
Demolition Permit  
Determination of Applicability Request  
Determination of Use Application - Ask at the Planning Department  
Disposal of Sharps/Acupuncture Permit  
Disposal System Construction Permit

Drain Entry Permit  
Electrical Permit  
Entertainment License  
Fire Alarm (Commercial ) Permit  
Flammable Fluid Permit  
Food Permit  
Funeral Director License - Ask at the Health Department  
Gas Permit  
Gas Storage, Initial fee & Annual renewal  
Hawkers and Peddlers - Ask at the Police Department  
Hotel/Motel License/Inspection  
Innholder License  
Installation of Underground Storage Tank  
Junk Dealer/Second Hand Goods License  
L.P.G. Permit  
Live Entertainment License  
Livery and Taxi License  
Lodging House Permit  
Mobile Food Service Permit - Ask at the Health Department  
Motor Vehicle Sales License  
Notice of Intent  
Nursing Home Inspection/Compliance  
Oil Burner Install Permit  
Open Trench Permit  
Order of Conditions  
Outdoor Seating Permit  
Percolation or Soils Test  
Plumbing Permit  
Pool Variance Permit  
Preliminary Subdivision Application  
Public Shade Tree - Please see Department of Forestry  
Public Way Access Permit  
Registration of Underground Tanks

## Permit Applications, cont'd

Request for Determination of Applicability  
Removal of Underground Storage Tanks  
Sale of Motor Vehicles (all classes)  
Septage/Med.Waste/Grease Hauler Permit  
Septic Installer Permit  
Septic System: New or Existing Permit  
Service (Gas) and Self-service Station (see storage of flammables)  
Sewage Hauler Permit  
Sewer System Entry Permit  
Sign Permit  
Site Plan Review  
Smoke/CO Detector Permit  
Special Permits (see Guide)  
Sprinkler/Fire Alarm Permit  
Soil Testing Application  
Storage Hazardous Materials/Flammables  
Storage of Smokeless Powder  
Stormwater Permit  
Street Permit  
Street Excavation Permit  
Subdivision: Approval Not Required (ANR) - Ask at Planning Department  
Subdivision: Definitive Plan  
Subdivision: Preliminary Plan - Ask at Planning Department  
Sunday Entertainment Permit  
Swimming Pool (semi-public) Permit  
Tank Truck Inspection  
Tanning Facility Permit  
Taxi Cab Permit  
Taxi Driver's License  
Temporary Food Service  
Tobacco/Tobacco Product Sales Permit  
Transportation of Flammable Fluid/Tank Trucks  
Trench Permit (occupy or excavate)  
Underground Storage Tank (install/remove)

## Permit Applications, cont'd

Use Determination Application - Ask at Planning Department

Variances

Waivers of frontage - Ask at Planning Department

Wastewater Discharge Permit (Drain Entry)

Water System Entry Permit

Weekday Entertainment License

Well Permit

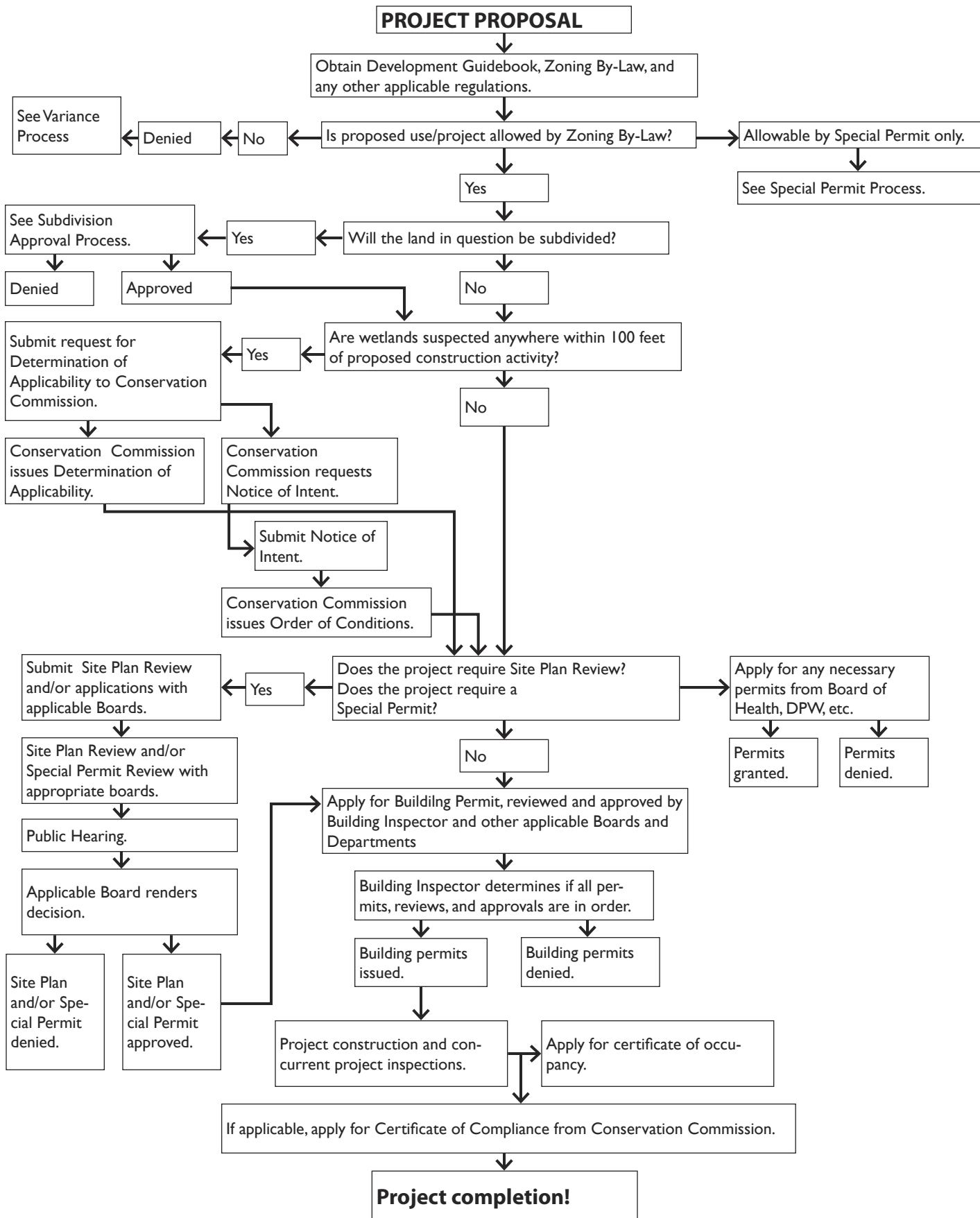
Wetlands By-Law Application

Zoning change or amendment



# APPENDIX 2: SCHEMATIC APPROVAL PROCESS & PERMIT MATRIX

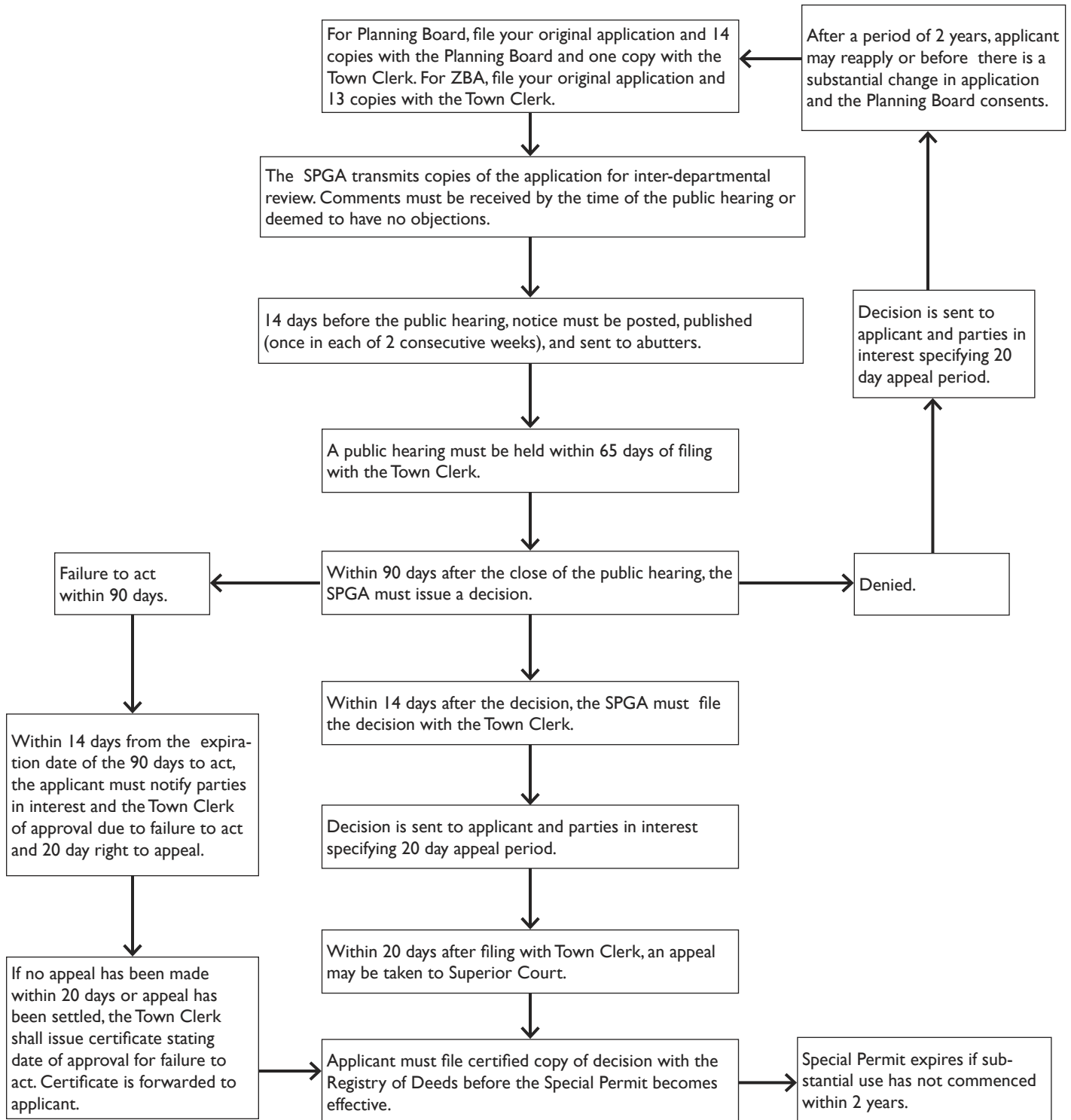
## Town of Needham Project Review and Approval Process



The denial of a Building Permit for zoning reasons may be appealed to the Board of Appeals. A Notice of Appeal, describing the reasons and grounds for the appeal, must be filed with the Needham Town Clerk within 30 days of the date of the Building Inspector's denial of the Building Permit. A Public Hearing will be held on the matter within 65 days after the ZBA receives notice from the Town Clerk, and the ZBA will make its decision within 75 days after the notice is filed with the Town Clerk.

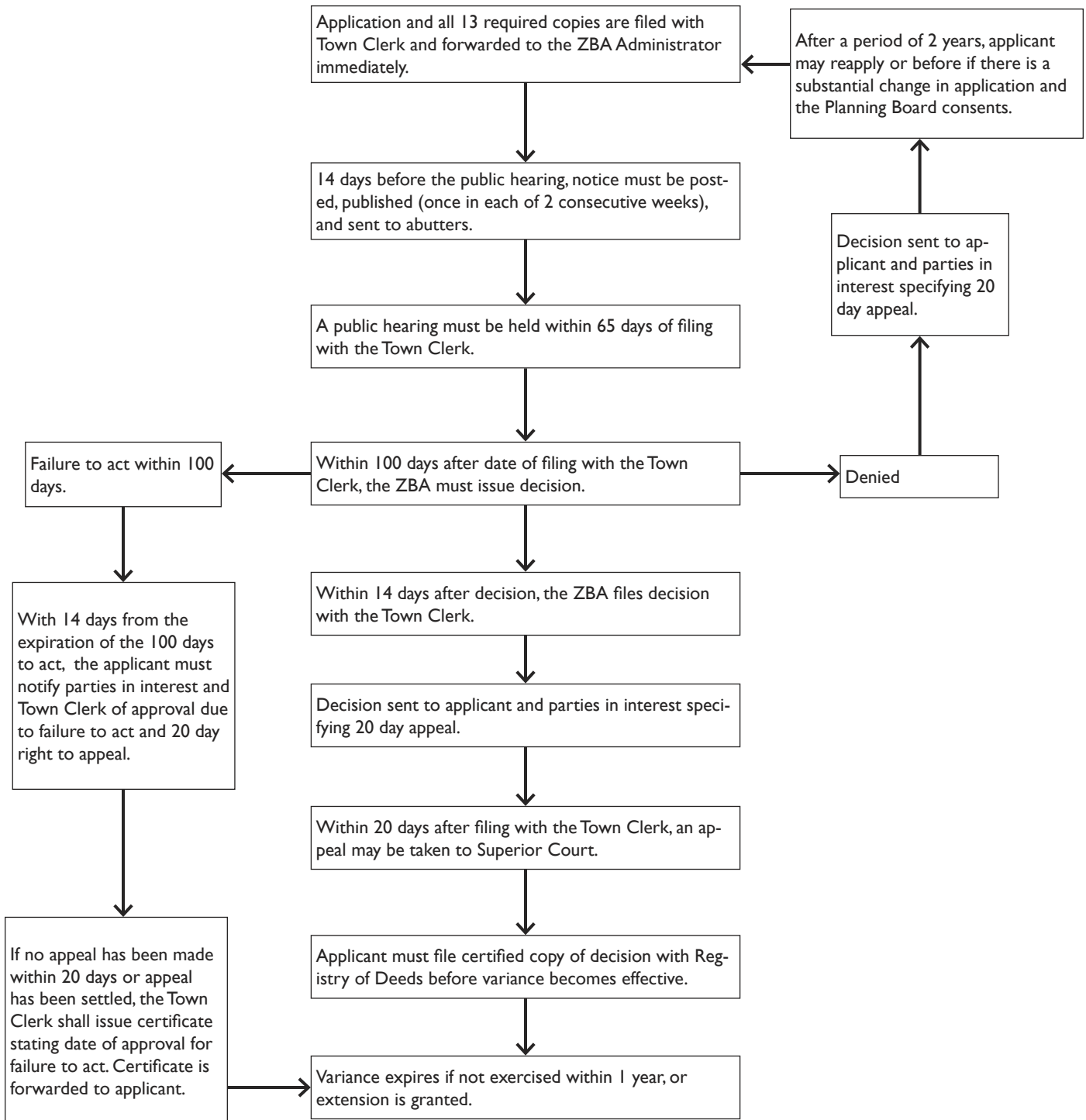
## Town of Needham Special Permit Process

Special Permit Granting Authority (SPGA) may be the Planning Board or Zoning Board of Appeals.



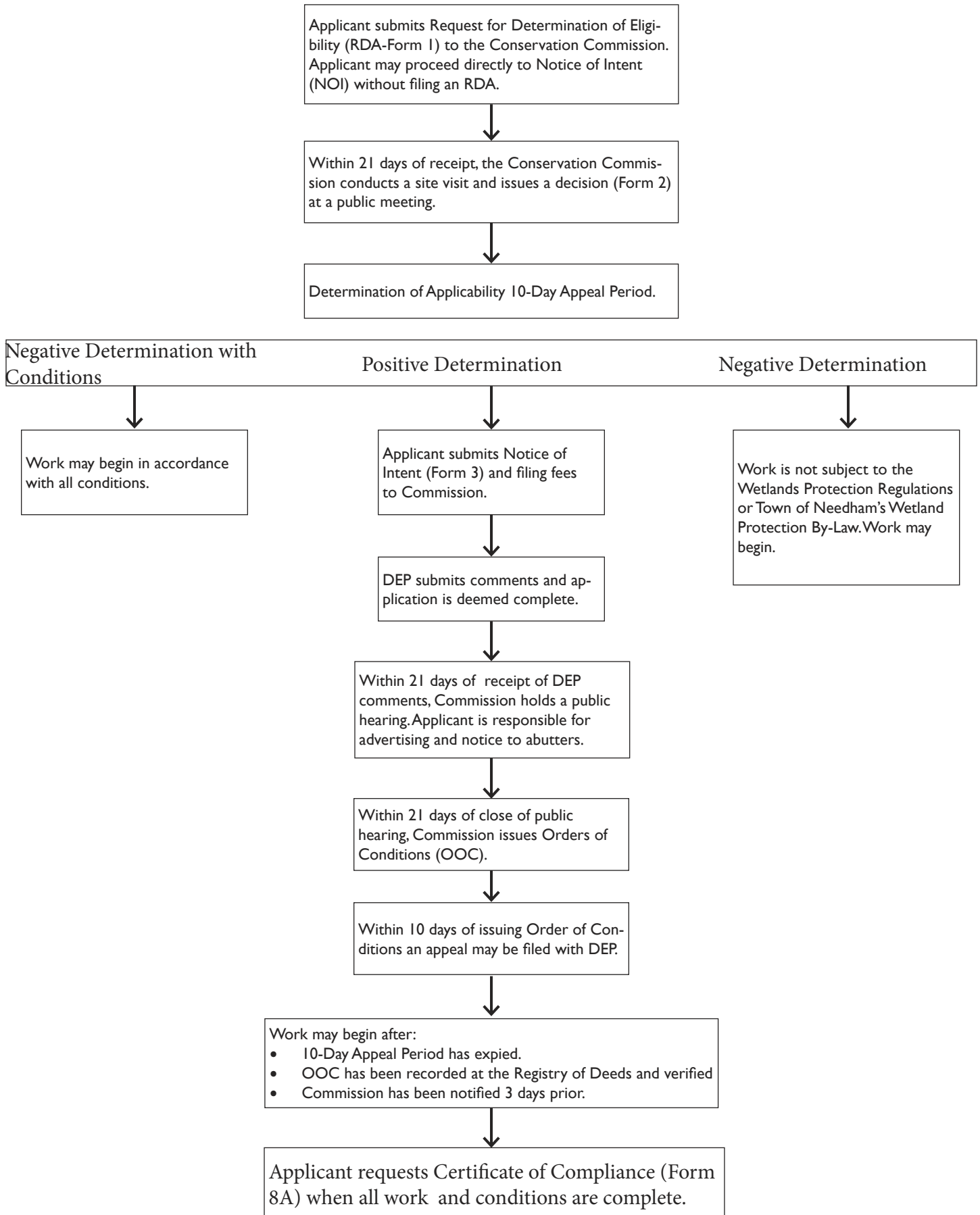
## Town of Needham Variance Process

Zoning Board of Appeals

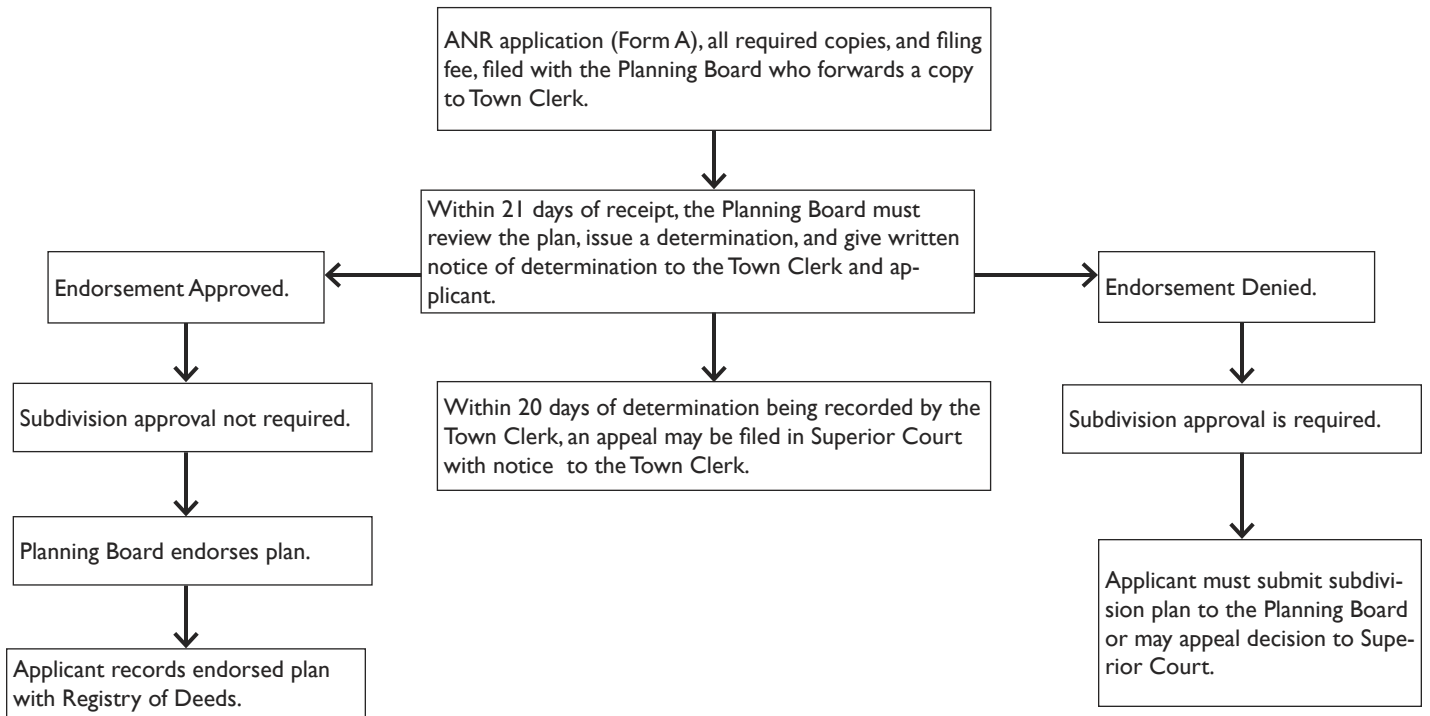


## Town of Needham Wetlands Protection Approvals Process

Conservation Commission



# Town of Needham Approval Not Required Plan (ANR) Planning Board



## Town of Needham Subdivision Approval Process

Planning Board



## Town of Needham Permit Matrix

PERMIT TYPE	Board of Selectmen	Building Inspector	Town Clerk	Conservation Commission	Design Review Board	Town Engineer	Fire Department	Health Department	Historical Commission	Planning Department or Board	Police Department	Public Works Department	Zoning Board of Appeals	Tree Warden
Abandonment of Septic/Cesspool System								x						
Abandonment of Well								x						
Abbrev. Notice of Resource Area Delineation.				x										
Alcoholic Beverage License	x													
Animal Permit								x						
Ansul/Generic System Permit							x							
Appeal from decisions of Building Inspector													x	
Approval Not Required (ANR)										x				
Auctioneers License			x											
Automatic Amusement Device License	x													
Basement Tank (installation/removal)							x							
Billiards (Recreational Pool Table) License	x													
Biotechnology Registration								x						
Blasting Permit							x							
Body Art Estab. Or Practitioner Permit								x						
Bottling Permit								x						
Bowling Alley License	x													
Building Permit		x												
Burial Permit								x						
Business Certificate			x											
Camp Permit								x						
Caterer								x						
Certificate of Occupancy		x												
Commercial Garage or Gas Station	x						x							
Common Victualler License and Inspection	x						x	x						
Comprehensive Permit (G.L. c.40B)													x	
Cutting and Welding Permit							x							
Definitive Subdivision Approval										x				
Demolition Delay Review									x					











































