



THE FITCHBURG LAND DEVELOPMENT GUIDE

Introduction

The purpose of this guide is to provide individuals who intend to develop real estate in the City of Fitchburg with a general overview of the local permitting process. The guide presents the different types of permits that may be required for a development project and identifies which City departments should be contacted to submit a permit or ask for help. Please be aware that this guide is intended for use as a source of general information and does not carry the force of law. Also, this guide reviews the local permitting process; it does not describe permits that may be required by federal or state agencies.

Strict adherence to the City's permitting requirements will prevent expensive project delays and reduce the risk of having to make costly plan revisions. In turn, City officials will work closely with applicants to guide them through the development process to help achieve the successful completion of projects.

The City of Fitchburg seeks to foster high quality development in the City that will create jobs for our residents, broaden the City's tax base and enhance Fitchburg as a viable place to live and work.

To achieve these goals, City officials will strive to:

- streamline the permitting process when possible;
- respond in a timely manner to inquiries and requests for guidance;
- cooperate with officials from other departments to minimize conflicting requirements;
- consistently administer the City's regulations to ensure that the permitting process is fair and open.

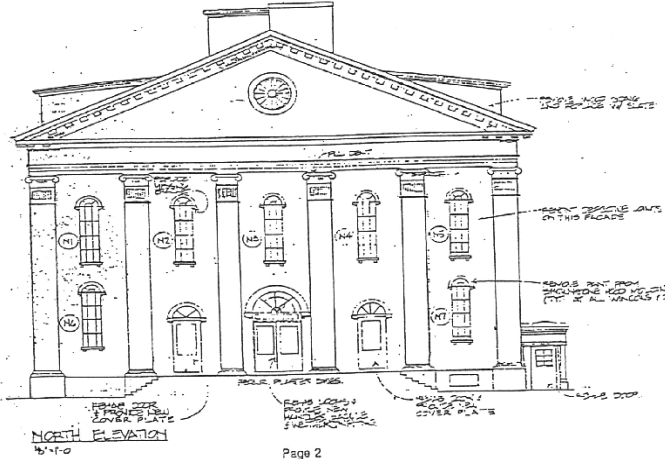
These goals are part of City government's overall commitment to be responsive to the residents and businesses of the City of Fitchburg.

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Advice From City Departments

As the development process proceeds, questions will inevitably arise. It is usually extremely valuable to contact the appropriate City officials before a permit application is submitted or even before a proposal is fully developed, to get a reaction from City officials to determine how a project will "fly."

Because they work with the process on a daily basis, City officials can offer valuable advice on what issues will have to be addressed, how long the permitting process might take and what types of conditions may be required as part of an approval. By seeking advice in the initial development phases of a development proposal, proponents of a project can make changes relatively inexpensively.



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Who's Who in City Hall

To assist applicants in finding the right person to answer their questions, City commissions, boards, and departments that are involved in the development process are listed below. Unless otherwise noted, all offices are located in Fitchburg City Hall.

CITY BOARDS AND COMMISSIONS

Board: ***The Fitchburg City Council***

Contact: Anna M. Farrell, City Clerk – afarrell@ci.fitchburg.ma.us

Phone: (978) 345-9592 (fax) 345-9595

Description: The City Council is responsible for issuing certain special permits. For an exact description of the special permits under the Council's jurisdiction see the Table of Principal Uses in the Zoning Ordinance. As the city's legislative body, the City Council also has the authority to amend the Zoning Ordinance and Zoning Map.

Board: ***The Planning Board***

Contact: Michael J. O'Hara, Principal Planner – mohara@ci.fitchburg.ma.us

Phone: (978) 345-1018 (fax) 342-0161

Description: The Planning Board is responsible for approving "Approval Not Required" plans, subdivision plans, site plans and various types of special permits. The Planning Board also issues scenic road permits in conjunction with the Tree Warden.

Board: ***The Conservation Commission***

Contact: Michael J. O'Hara, Principal Planner – mohara@ci.fitchburg.ma.us

Phone: (978) 345-1018 (fax) 342-0161

Description: The principal role of the Conservation Commission is the administration of the Wetlands Protection Act and the local Fitchburg Wetlands Protection Ordinance. Any proposed work in or near a wetland, stream, or resource area requires the approval of the Conservation Commission.

Board: ***The Board of Health***

Contact: Stephen D. Curry, Director – scurry@ci.fitchburg.ma.us

Phone: (978) 345-9582 (fax) 342-9692

Description: The Board of Health issues permits for sewage disposal, private water supplies, solid waste removal, stump disposal and rodent control.

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CITY BOARDS AND COMMISSIONS

Board: ***The Zoning Board of Appeals (ZBA)***
Contact: Kathleen Johnson, Secretary – kjohnson@ci.fitchburg.ma.us
Phone: (978) 345-9596 (fax) 345-9591
Description: The Zoning Board of Appeals grants variances from the Zoning Ordinance, some types of special permits and also hears appeals of decisions of administrative offices such as the Building Commissioner.

CITY DEPARTMENTS

Department: ***Department of Community Development***
Contact: Larry Casassa, Deputy Director – lcasassa@ci.fitchburg.ma.us
Phone: (978) 345-1018 (fax) 342-0161
Description: The Department of Community Development is responsible for land use planning in the City and provides staff support to the Planning Board, Conservation Commission and Disability Commission. The Department also administers the Community Development Block Grant Program, other state and federal grants, Community Development, and Housing Programs including HOME Rehabilitation.

Department: ***The Building Department***
Contact: Robert Lanciani, Building Commissioner – DLanciani@ci.fitchburg.ma.us
Phone: (978) 345-9596 (fax) 345-9591
Description: The Building Commissioner interprets and enforces the State Building Code, the Fitchburg Zoning Ordinance, and relevant portions of the City Code. The Building Department issues building permits, occupancy permits, wiring permits, plumbing permits, sign permits and natural gas permits. Information regarding the Zoning Ordinance and the location of the 100-year floodplain can be obtained from the Building Department.

Department: ***The Health Department***
Contact: Stephen D. Curry, Director – scurry@ci.fitchburg.ma.us
Phone: (978) 345-9582 (fax) 342-9692
Description: The Health Department enforces a host of different health regulations and provides full time staff support to the Board of Health. For further information on health regulations please contact the Health Department.

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Department: ***The Department of Public Works (DPW)***

Contact: Lenny Laakso, Commissioner – llaakso@ci.fitchburg.ma.us

Phone: (978) 345-9610 (fax) 345-9573

Description: Besides maintaining the City's infrastructure, the DPW issues permits related to work being performed in the public right-of-way, including permits for curb cuts, sewer connections and trench permits. A DPW employee also currently serves as the Tree Warden.

Department: ***DPW, Water Division***

Contact: Denis Meunier, Commissioner – dmeunier@ci.fitchburg.ma.us

Phone: (978)345-9616 (fax) 345-9554

Description: The Water Department is responsible for the City's drinking water supplies and distribution and oversees water line connections. They require a system development charge and an inspection fee for water line connections. The Water Department is located at the Water Filtration Plant at 1200 Rindge Road in Fitchburg.

Department: ***DPW, Wastewater Division***

Contact: Joseph Jordan, Deputy Commissioner – jjordan@ci.fitchburg.ma.us

Phone: (978) 345-9622 (fax) 345-9623

Description: The Wastewater Department is responsible for the City's sewer lines and the wastewater treatment plants. They oversee sewer line connections and require a system connection charge.

Department: ***Fitchburg Fire Prevention Bureau***

Contact: Lt. Sally Tata, Bureau Chief – stata@fitchburgfire.org

Phone: (978) 345-9672 (fax) 345-9589

Description: The Fire Prevention Bureau enforces all fire safety laws and regulations of the Commonwealth of Massachusetts. The Fire Prevention Bureau issue permits for fire protection systems, cutting and welding, flammable fluids, solids and gases, LP gas storage, above and below ground storage tanks, explosives and oil burner installations. The Fire Prevention Bureau is at the Central Fire Station, 33 North Street, Fitchburg.

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Permits That May Be Required

Permits Under the Jurisdiction of the City Council, Planning Board and Zoning Board of Appeals

Special Permits - The Table of Principal Uses in the Zoning Ordinance (Section 181.313) identifies those uses requiring a special permit, and the entity responsible for the granting of the Special Permit: In this Use Table “Y” means a use permitted “by right” (that is, with no special, discretionary approval from any board), “PB” indicates the Planning Board is the Special Permit Granting Authority, “BA” indicates the Zoning Board of Appeals and “CC” means City Council. Regardless of who the special permit granting authority is, the process is basically the same. Once an application for a special permit is submitted with the appropriate board, a public hearing will be held within 65 days. At the public hearing the applicant or a representative will present the development proposal to the board and public in attendance. The board must then make a decision on the application within 90 days of the close of the public hearing. For more specific information on special permits see Massachusetts General Laws, Chapter 40A, Section 9; the Fitchburg Zoning Ordinance, Section 181.93; and the Rules and Regulations adopted by the appropriate Special Permit Granting Authority.

Permits Under the Jurisdiction of the Planning Board

Approval Not Required Plan (ANR) - ANR plans are submitted to the Planning Board when lots are being created that have sufficient frontage on a way as defined in the Zoning Ordinance. If adequate frontage does not exist, a Subdivision Plan will have to be filed. "Approval Not Required" refers to approval under the Subdivision Control Law, M.G.L., Chapter 41, Sections 81K - 81GG. ANR plans should be submitted to the Community Development Department in City Hall at least 48 hours before a Planning Board meeting. The procedures for filing an ANR plan can be found in the Fitchburg Subdivision Rules and Regulations.

Subdivision Approval - A Subdivision Plan must be filed when lots are being created that do not have sufficient frontage on an existing way. Preliminary Subdivision Plans are mandatory for nonresidential subdivisions, and are optional but strongly recommended for residential subdivisions. The Planning Board will render a decision on the application within 45 days after plan submittal. If a Preliminary Plan has been submitted, the Planning Board has 90 days to render a decision on a Definitive Plan. Otherwise, the Planning Board must render a decision within 135 days. For more information about subdivision approval please see the Fitchburg Subdivision Rules and Regulations, available from the Community Development Department.

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Permits Under the Jurisdiction of the Planning Board

Site Plan Review - Any construction, expansion or change of use of a non-residential or multi-family structure or parking area requires site plan review by the Planning Board in accordance with Section 181.94 of the Zoning Ordinance. Construction of less than 500 sq. ft. of space is exempt. Less than 2,000 sq. ft. or less than 10 parking spaces will be considered a minor site plan, with no public hearing required. If a special permit is also required from the Planning Board, both hearings will be combined and considered together. The Planning Board will review and act on a Site Plan Review submittal within 60 days of receipt. Submittal requirements can be found in the Site Plan & Special Permit Rules and Regulations available from the Community Development Department.

Scenic Road Act - M.G.L. Chapter 40, Section 15C requires that any repair, maintenance, reconstruction or paving of a scenic road shall not involve the cutting of trees or the partial or complete destruction of stone walls without the prior written consent of the Planning Board and Tree Warden. Designated scenic roads in Fitchburg are Mt. Elam Road, Pearl Hill Road, Williams Road, Caswell Road and Rindge Road (from John Fitch Highway to North Street).



ROLLSTONE BOULDER at Upper Common in Christmas Dress. Lucas

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Permits Under the Jurisdiction of the Zoning Board of Appeals

Zoning Variances - Pursuant to M.G.L., Chapter 40A, Section 10, the Zoning Board of Appeals may grant variances from the Zoning Ordinance. If an application for a building permit from the Building Department results in a determination that a variance is required for a project, the next step is to get a Zoning Board of Appeals variance application from the City Clerk. The ZBA will hold a public hearing within 65 days after the filing of a variance petition; a decision will be made within 100 days from the filing of a variance petition.

Permits Under the Jurisdiction of the Conservation Commission

Request of Determination of Applicability - Any alteration of land within 100 feet of a wetland resource area (includes bordering vegetated wetlands, ponds, land subject to flooding, or within the 200 feet of a river or perennial stream, requires a permit under the Wetlands Protection Act, M.G.L., Chapter 131, Section 40. A "Request for Determination of Applicability" should be submitted when there is a question of whether proposed work is under the jurisdiction of the Conservation Commission where the impacts to a wetland resource area are extremely minor and no work is being performed in the wetland itself. If the Commission determines that the proposed work is in the Conservation Commission's jurisdiction, a "Notice of Intent" must be filed.

Notice of Intent - Unless the Conservation Commission issues a "Negative Determination," a Notice of Intent must be filed whenever land is altered within 100 feet of a wetland resource area or within the 200 foot riverfront area. Within 21 days of receiving a Notice of Intent the Conservation Commission will hold a public hearing. The Commission will then issue a decision, called an "Order of Conditions" within 21 days of the public hearing.

Please note that there is also a Local Wetlands Protection Ordinance & Regulations (Chapter 178 of the Fitchburg City Code, adopted in 2008) which contain slightly different performance standards and additional filing fees.

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Permits Under the Jurisdiction of the Department of Public Works

Excavating Permit – Required for digging to occur in a public way.

Permit to Occupy the Street – Required for the installation of equipment on a public street or sidewalk.

Curb Cut Permit – Required when creating a new curb cut on a public street. A curb cut on a state road requires the permission of the Massachusetts Department of Public Works.

Sewer Permit – Required for the installation and repair of a sewer line. Depending on the quality and quantity of the process waste discharge, an industrial pretreatment permit may be required.

(See also sewer and water fee on page 17.)

Permits Under the Tree Warden (DPW Commissioner)

Tree Removal Permit – Required by the Public Shade Tree Act (M.G.L., Chapter 87, Section 3) for the cutting of trees in the public road layout. Where the public way is designated a scenic way, permission from the Planning Board is also required.

Permits Under the Jurisdiction of the Board of Health

Subsurface Sewage Disposal Permit – Required for the installation of a subsurface sewage disposal system. The permit is regulated under Title V of the State Sanitary Code.

Private Water Supply Permit – Required for the installation of a private well.

Solid Waste Disposal Permit – Required for the disposal of solid waste.

Stump Dump Permit – Required for the underground disposal of tree stumps.

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Permits Under the Jurisdiction of the Building Department

General – *All projects requiring a building permit should be described in a letter to the Building Commissioner for determination of zoning and building code conformance, thus satisfying the Zoning requirements of Section 181.47 and the State Building Code Section 110.1.*

Zoning Determination – Any questions regarding the Fitchburg Zoning Ordinance should be addressed to the Building Commissioner in the Building Department. The Building Commissioner is charged with the official responsibility of interpreting the Zoning Ordinance and Zoning Map. The Building Commissioner will provide written zoning determinations upon request and a \$30 filing fee.

Building Permit – Required for the construction, reconstruction, alteration, repair, removal or demolition of a structure as defined by the Massachusetts Building Code.

Occupancy Permit – Required for occupancy of a structure for which a building permit has been issued. The occupancy permit certifies that construction complies with the Massachusetts Building, Plumbing and Electrical Codes, and with the requirements of the National Fire Protection Association. It also certifies that the intended use and number of occupants comply with the Massachusetts Building Code and the Zoning Ordinance.

Wiring Permit – Required for the installation of wiring in a structure.

Plumbing Permit – Required for the installation of plumbing.

Sign Permit – Required under the Zoning Ordinance for certain types of signs. Inquiries should be made to the Building Department. Signs in the Urban Renewal District (see page 15) require design approval by the Design Review Board.

Natural Gas Permit – Required for the installation of natural gas.

Work in the 100-Year Floodplain – Construction in the 100-year floodplain is restricted under the State Building Code and the Zoning Ordinance and is enforced by the Building Commissioner. Work in the 100-year floodplain is also regulated by the Conservation Commission in accordance with the Wetlands Protection Act. To determine if a property is sited in the 100-year floodplain, see the Flood Insurance Rate Maps on file with the Building and Planning Departments.

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Permits Under the Jurisdiction of the Fire Prevention Bureau

Cutting and Welding Permit – Required for all cutting and welding operations.

Explosives Permit – Required for the use and handling of class A, B, and C explosives in accordance with 527 CMR 13:00. In certain storage situations a license may be required under M.G.L., Chapter 148, Section 13 from the City Council.

Fire Protection System Installation Permit – Required for the installation, modification, repair or removal of any sprinkler system, water main, fire hydrant, fire alarm system or any device used for fire protection.

Flammable Fluids, Solids and Gases Permit – Required for the storage, use and handling of flammable fluids, solids and gases regulated by 527 CMR 14:00. In certain storage situations a license may be required under M.G.L., Chapter 148, Section 13 from the City Council.

LP-Gas Storage Permit – Required for the keeping of LP-gas in one or more containers and the installation or connection of any LP-gas equipment in accordance with 527 CMR 6:00. In certain storage situations a license may be required under M.G.L., Chapter 148, Section 13 from the City Council. **Oil Burner Installation Permit** - Required for the installation or alteration of an oil burner in accordance with 527 CMR 4:00.

Tanks and Container Permit – Required for the installation and removal of a storage tank for the storage of any fluid other than water, regulated by 527 CMR 9:00. In certain storage situations a license may be required from the City Council.

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Permits Under the Jurisdiction of the Historic Commission

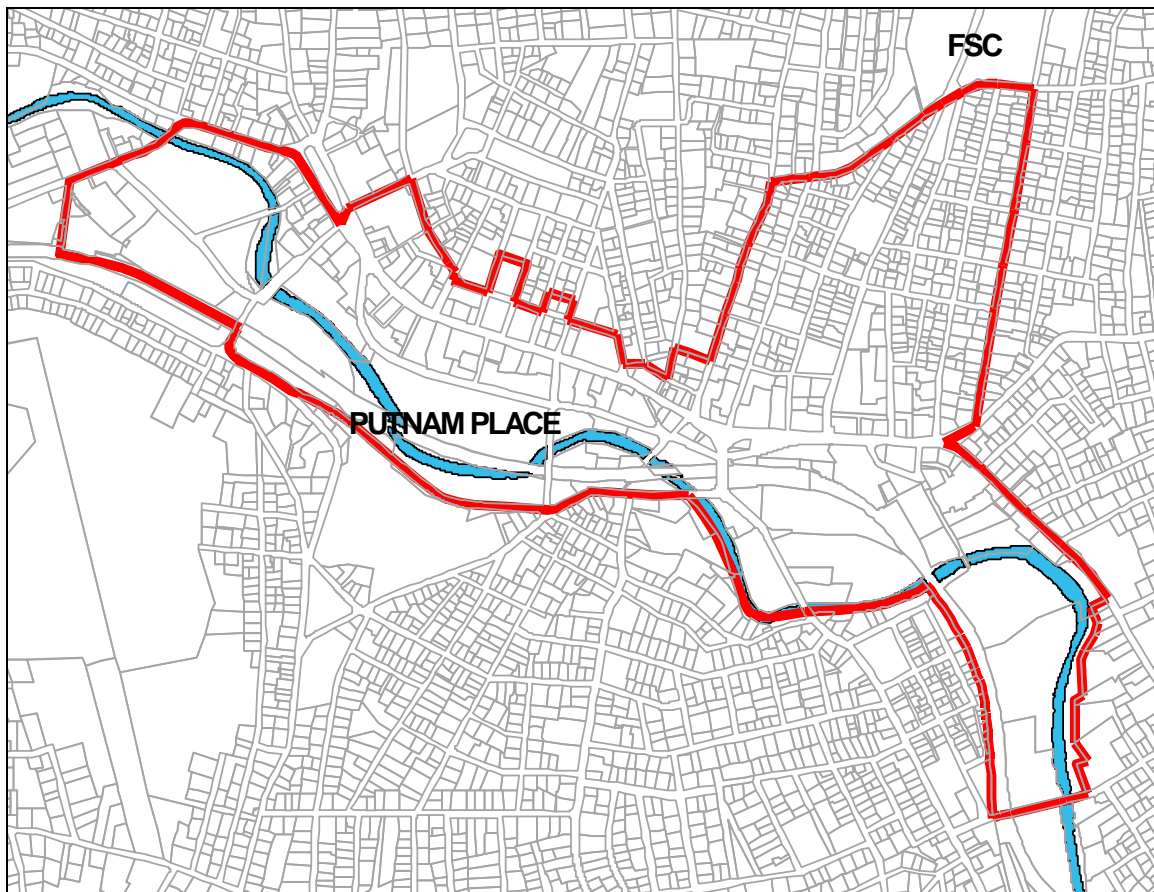
Certificate of Appropriateness – No building or structures within the historic district may be constructed or altered in any way that affects the exterior architectural features unless the Historic Commission issues a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship. Contact Donald Ostrowski, Clerk, Historic Commission at don@wjh.harvard.edu for more information.



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Other Permits

Design Review Permit - In the Fitchburg Downtown Urban Revitalization and Development Plan district, also known as the Urban Renewal District, every project that alters a building's exterior appearance is subject to the approval of the Fitchburg Design Review Committee. Information on design guidelines and submittal requirements can be obtained from the Fitchburg Redevelopment Authority at 978-345-9602. Design Review Committee approval should be obtained prior to the Special Permit Process, if applicable.



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Where Rules and Regulations Can Be Acquired

<u>LAW</u>	<u>LOCATION</u>	<u>COST</u>
Zoning Ordinance	Department of Community Development	\$10
Zoning Map (blueprint)	Department of Community Development	\$4
Zoning Map (color)	Department of Community Development	\$20
Subdivision Rules & Regulations	Department of Community Development	\$10
Site Plan & Special Permit Regulations (Planning Board)	Department of Community Development	Free
Water Division Rules, Regulations & Charges	DPW, Water Division	Free
Street Construction Rules & Regulations	DPW, Engineering Division	Free
Sewer & Storm Drain Rules & Regulations	DPW, Engineering Division	Free
M.G.L., Chapter 148 (Massachusetts Fire Codes)	Mass. State Book Store, Boston (617) 727-2834	
527 CMR (Fire Prevention Regulations)	Mass. State Book Store, Boston (617) 727-2834	
M.G.L., Chapter 131, Section 40 (Wetlands Protection Act)	Mass. State Book Store, Boston (617) 727-2834	
310 CMR (Wetlands Protection Regulations)	Mass. State Book Store, Boston (617) 727-2834	
Fitchburg Wetland Protection Ordinance & Regulations	Department of Community Development	Free

Contact the granting authority for application forms. Many of the above documents are available at the Fitchburg Public Library, 610 Main Street.

The Zoning Ordinance and Zoning Map can be reviewed or obtained from the city's web page at <http://www.fitchburgma.gov>.

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<u>Permit</u>	<u>Application Fee</u>
Planning Board	
Planning Board Planned Unit Development (PUD) or Flexible Development	\$100 plus \$25 per dwelling unit
Planning Board Special Permits <u>other</u> than PUD and Cluster	\$300
“Repetitive Petition” under MGL c. 40A, Sec.16	\$200.
Approval Not Required (ANR) plan	\$100 plus \$25 for each new lot created (non-refundable)
Subdivision Plans	
Preliminary Plans	\$100, plus \$25 per lot
Definitive Plans	\$300, plus \$75 per lot
Site Plan Review	
Non-residential Use	\$300
Multi-family Residential	\$200 per dwelling unit
Minor Site Plan	\$25
Modification or Revision of Approved Site Plan	\$25
Conservation Commission	
Request for Determination of Applicability	\$25.00
Notice of Intent	Contact the Conservation Commission or http://www.state.ma.us/dep for a copy of the fee schedule. Note that there is also a filing fee under the local Wetlands Protection Ordinance.
Zoning Board of Appeals	
Special Permit	\$300.00
Variance	\$300

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SEWER CONNECTION & STREET EXCAVATION FEES – DPW (Effective March 2006)

RESIDENTIAL

FEE:

Single-Family Class Sewer Connection	\$2,000.00
Multi-Family Class Sewer Connection	\$2,000.00 first unit \$1,000.00 each additional unit

Connection fee to include four (4) hours of inspection services.

COMMERCIAL AND INDUSTRIAL

FEE:

0 - 999 Gallons per Day	\$2,000.00
1,000 – 2,000 Gallons	\$2,000.00 + \$1.50 for each additional gallon over 1000 gallons per day.
2,001 – 10,000 Gallons	\$3,500.00 + \$.75 for each additional gallon over 2,000 gallons per day.
10,001 – 50,000 Gallons	\$9,500.00 + \$.50 for each additional gallon over 10,000 gallons per day.
> 50,000	\$40,000.00

STREET EXCAVATION

FEE:

\$350.00

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Water Rates & Miscellaneous Fees – Water Department

A. The System Development Charge is a one-time charge for connecting to the Fitchburg Water Supply. The System Development Charge shall include: connection to the Fitchburg Water Supply system, full water service and meter installation inspection, meter seal, water service tie card, activation of water service, permanent record to be kept at City Hall. The Owner is responsible for all materials, equipment and installation costs associated with the connection to the water system. The Charges are based on the size of the pipe and shall be as follows:

WATER SERVICE

<u>Pipe Size</u>	<u>Fee</u>
¾ - 1"	\$3,000.00
1 ¼"	\$4,000.00
1 ½"	\$4,000.00
2"	\$5,000.00
3"	\$5,500.00
4"	\$6,000.00
6"	\$8,000.00
>6"	\$10,000.00

FIRE SERVICE

<u>Pipe Size</u>	<u>Fee</u>
4"	\$ 241.00
6"	\$ 482.00
8"	\$1,109.00
10"	\$1,832.00
12"	\$2,940.00

B. A readiness to serve charge is billed annually for fire service connections as follows:

4" Fire Connection	\$150.00
6" Fire Connection	\$300.00
8" Fire Connection	\$450.00
10" Fire Connection	\$600.00
12" Fire Connection	\$750.00

C. Every water taker shall pay a minimum charge quarterly, per meter, to be governed by the size of the meter as follows:

5/8" meter	\$ 10.00
3/4" meter	\$ 10.00
1" meter	\$ 10.00
1 ½" meter	\$ 31.00
2" meter	\$ 47.00
3" meter	\$ 90.00
4" meter	\$138.00
6" meter	\$272.00
8" meter	\$432.00

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Fee Schedule – Board of Health

Acting under the authority of the General Laws of Massachusetts and Sanitary Code Rules and Regulations, The Fitchburg Board of Health establishes the following fee schedule:

<u>PERMIT/LICENSE</u>	<u>ANNUAL</u>
Bakery Permit:	
A. No Food Service	50.00
B. With Food Service	100.00
Bottling Permit (State Law - \$75) \$37.50-City; \$37.50-State	37.50
Burial Permit *per permit	*10.00
Camp License	50.00
Catering Permit	75.00
Conveyance of Milk (State Law)	50.00
Disposal Works Permit (Construction Permit) *per job	*100.00
Food Establishment Permit:	
A. Restaurant less than 50 seats	50.00
B. Restaurants less than 200 seats	100.00
C. Restaurants more than 200 seats	200.00
Food Service	
Mobile	150.00
Temporary	25.00
Food Vending Machine	25.00
Frozen Dessert License	50.00
Funeral Directors License	100.00
Goats, Swine, Cattle, Live Fowl	100.00
Hotel / Motel / Boarding / Lodging /Bed & Breakfast	100.00
Installers Permit (Septic Job)	100.00

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*Fee Schedule – Building Department ***

**To obtain a copy of the Building Department's fee schedule, please call (978) 345-9596 or visit our website: www.fitchburgma.gov or email Building Commissioner Robert Lanciani dlanciani@ci.fitchburg.ma.us.

THE BUILDING DEPARTMENT OFFICE IS LOCATED ON THE **THIRD FLOOR** OF CITY HALL.