

Permit Procedures

Introduction: Beginning the Process

This guide will briefly introduce you to the development and construction permitting process in Middleborough. The more research you do in the planning stage, the easier it will be to meet the Town's requirements, and also acquire State and Federal permits and approvals, which are sometimes necessary.

All permit applications are available at www.middleborough.com.

The Zoning Bylaws and zoning map are available at www.middleborough.com. Paper copies can be obtained from the Town Clerk's office.

IMPORTANT: This guide is for information only; it does not have the force of law. Please refer to the applicable laws and regulations for specific technical and procedural requirements. In most cases you will need professional help in such areas as land survey, architecture, engineering, law and transportation planning.

How long will it take?

It depends on how many and what kinds of permits you need. Many applications can be processed simultaneously, but some, most importantly, the Building Permit, require that others be in place first. Staff can help you estimate the length of time for your permits

Departmental Responsibilities - The usual process toward obtaining a permit would involve some or all of the following departments.

Building Department

We suggest you start here because in Middleborough the Building Commissioner must issue a permit for any new or modified use of land. He or his staff will be able to advise you of the regulations that may be applicable to your project.

If zoning relief is needed, it should be sought first, so that you will be assured of being able to proceed with your project at the chosen site.

Zoning Board of Appeals

The Zoning Bylaws authorize the Zoning Board of Appeals to issue special permits for regulated uses, consider variances for proposed exceptions and hear appeals of decisions of the Building Commissioner. The zoning process will involve an advertised public hearing, (generally on Thursday evenings), and your application will, in many instances, be sent to appropriate Town boards for prior review and recommendation.

If the Conservation Commission has jurisdiction, simultaneous application to the Commission is advisable because the Zoning Board of Appeals is not authorized to act on applications for permits to work within the Flood Plain District and the Water Resources Protection until all other boards have acted on the requisite permits.

Signs - With limited exceptions, the Zoning Bylaws regulate the size, location and number of building and ground signs in all zoning districts. The Building Commissioner is authorized to issue a permit for single signs up to a certain size. To erect more or larger signs, a zoning permit is necessary from the Zoning Board of Appeals.

Board of Selectmen

The Board of Selectmen is the special permit granting authority for the four Water Resource Protection Districts, which overlay all the land and all the other zoning districts in the Town. Each district has its own use regulations and prohibited uses and serves to protect existing and potential drinking water supplies. The Board also grants earth removal permits which regulate all earth removal activities in the Town, with a few limited exceptions.

Conservation Commission

Work within 100 feet of a wetland or within the 200-foot Riverfront Area (defined in the Mass. Wetlands Protection Act, M.G.L. Ch. 131, Sec.40 and Regulations 310 CMR 10.00, and the Conservation Commissions' Policy) and work on storm drains or drainage systems, projects affecting or abutting town-owned open space, and projects affecting or including conservation restrictions, must be reviewed by the Commission. The Conservation Agent can tell you if your project falls under Conservation Commissions' jurisdiction; conservation impacts are not always apparent. All other necessary local permits must have been applied for prior to a filing with the Commission.

Planning Board

Form A – If you are a property owner and wish to divide your land to create one or more additional house lots and you have adequate street frontage for each lot as required by zoning, you will need to hire a Land Surveyor to prepare a "Form A" plan. That plan is submitted to the Planning Board for signature. All owners must sign the application with their signatures notarized. Copies of the signed plan are made by the surveyor; the original is recorded at the Plymouth County Registry of Deeds and 3 copies and proof of recording are submitted to the Planning Department. Once copies of the plan are received by the Planning Department and distributed to other Boards, including the Building Department, application for a building permit may be made. See Subdivision Rules and Regulations.

Form C - If you are a property owner and wish to divide your land to create one or more additional house lots and you do not have adequate street frontage for each lot as required by zoning, you will need to create a new road(s) to provide that frontage. Roads are created through the design and approval of a "Form C" Subdivision Plan and require that the property owner hire a Professional Engineer to prepare this plan. This is a lengthy process involving drainage and utility design, public hearings, abutters' notices etc. Public Hearings may last 3 – 6 months or longer. Once the subdivision is approved a contractor is hired to build the road. When the road's construction has been determined to be built in compliance with the approved plan and the Town's Subdivision Rules and Regulations and is Certified Complete by the Planning Board, the owner may petition that it be publicly accepted by the Town. Until such time that a subdivision road is laid out by the Board of Selectmen and accepted at a Town Meeting, it is a private road, owned by the developer or the Lot Owners, and does not receive Town services. See Subdivision Rules and Regulations.

Retreat Lot – Middleborough allows "Retreat Lots" sometimes known as "estate" or "pork chop lots" for the purpose of creating property adequate in size so that individuals may operate small farms without paying a development price for land. A retreat lot requires only 40 feet of street frontage; however the lot must be 5 times what is normally required in each Zoning District. The Planning Board is the Special Permit Granting Authority for Retreat Lots. Once a Retreat Lot Special Permit is granted allowing only 40' of street frontage a Form A plan must be done to create the lot. It should be noted that once Retreat Lots are created they are restricted and cannot be further subdivided. See Section 7.4 of the Zoning Bylaws.

Special Permits – The Planning Board is the Special Permit Granting Authority for Adult Mobile Home Parks and the Development Opportunities and Commercial Development Districts.

The Planning Board is a commenting Board on projects proposed to other Boards and Commissions including but not limited to Zoning Board Special Permits and 40B Permits; Business District Special Permits and Sign/Site Plan Review; Water Resource Protection District Special Permits; and, Earth Removal Permits.

Historical Commission

The Historical Commission advises the Building Commissioner on the demolition of Significant Structures and may invoke a moratorium of up to 18 months on the demolition on some historic structures.

Health Department

Based on the size and proposed uses of your project, the Health Officer can explain the procedures for obtaining septic system and other permits and licenses. Use this department's records of soil tests and existing septic system locations to help determine your site's suitability for septic disposal.

Public Works Department

A permit from the DPW is required for all work within the layout of a public way owned and maintained by the Town of Middleborough. This includes the installation of utilities, driveways, and changes in drainage patterns. Certain town streets are designated scenic roads; a public hearing is held by the Planning Board to review proposed changes in trees or walls along them. The following permits can be obtained from the DPW at 48 Wareham Street:

Curb Cut Permit- required for the construction of an opening, driveway, or entrance in or on any town way

Road Opening Permit- required for any work done within the layout of a public way.

Trench Permit- required for any excavation within the layout of a public way made below the surface of the ground, narrow in relation to its length. In general, the depth is greater than the width, but the width of the trench is not greater than fifteen feet.

In general, the public utility is responsible for obtaining the necessary permit for service installation. You should first contact the specific utility company.

Permits for new water service tie-ins are also issued by the DPW. Appointments for backflow survey inspections and backflow testing devices can be made through the Water Department at 48 Wareham Street.

Tie-ins to the Town's sewer system are limited to properties within the sewer district. Permits for new sewer connections are issued through the Building Department.