



# TOWN OF LUNENBURG RESIDENTIAL & COMMERCIAL PERMITTING GUIDEBOOK

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**Prepared by the Montachusett Regional Planning Commission (MRPC)**  
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**December 2018**

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## CONTACT INFORMATION

### TOWN OF LUNENBURG CONTACTS

[www.lunenburgma.gov](http://www.lunenburgma.gov)

**Town Hall Hours:** Monday & Wednesday: 8:00am-4:00pm,  
Tuesday & Thursday: 8:00am-6:00pm,  
Friday: closed

DEPARTMENT/BOARD	LOCATION	PHONE NUMBER	EMAIL
Architectural Preservation District Commission	Town Hall 17 Main Street		<a href="mailto:APDC@lunenburgonline.com">APDC@lunenburgonline.com</a>
Assessors	Town Hall 17 Main Street	(978)582-4145	<a href="mailto:hscheid@rrgsystems.com">hscheid@rrgsystems.com</a> <a href="mailto:lpaquette@lunenburgonline.com">lpaquette@lunenburgonline.com</a>
Board of Health	Ritter Building 960 Mass Ave.	(978)582-4146 x430	<a href="mailto:aschnepf@lunenburgonline.com">aschnepf@lunenburgonline.com</a>
Board of Selectmen	Town Hall 17 Main Street	(978)582-4144	<a href="mailto:hlemieux@lunenburgonline.com">hlemieux@lunenburgonline.com</a> <a href="mailto:epeterson@lunenburgonline.com">epeterson@lunenburgonline.com</a>
Building Commissioner	Ritter Building 960 Mass Ave.	(978)582-4146	<a href="mailto:lnormandin@lunenburgonline.com">lnormandin@lunenburgonline.com</a>
Conservation Commission	Ritter Building 960 Mass Ave.	(978)582-4146 x431	<a href="mailto:lcc@lunenburgonline.com">lcc@lunenburgonline.com</a>
Department of Public Works	520 Chase Road	(978)582-4160	<a href="mailto:stucker@lunenburgonline.com">stucker@lunenburgonline.com</a> <a href="mailto:jrodriquenz@lunenburgonline.com">jrodriquenz@lunenburgonline.com</a>
Electrical Inspector	Ritter Building 960 Mass Ave.	(978)505-2461	
Gas & Plumbing Inspector	Ritter Building 960 Mass Ave.	(978)265-6540	
Fire Department	Public Safety Bldg. 655 Mass Ave.	(978)582-4155	<a href="mailto:psullivan@lunenburgonline.com">psullivan@lunenburgonline.com</a>
Land Use Department	Ritter Building 900 Mass Ave.	(978)582-4147	<a href="mailto:aburney@lunenburgonline.com">aburney@lunenburgonline.com</a> <a href="mailto:mboggio@lunenburgonline.com">mboggio@lunenburgonline.com</a>
Lunenburg Water District	50 Lesure Ave.	(978)342-9211	<a href="http://www.lunenburgwater.com/">http://www.lunenburgwater.com/</a>
Planning Board	Ritter Building 900 Mass Ave.	(978)582-4147 x5	<a href="mailto:aburney@lunenburgonline.com">aburney@lunenburgonline.com</a> <a href="mailto:mboggio@lunenburgonline.com">mboggio@lunenburgonline.com</a>
Police Department	Public Safety Bldg. 655 Mass Ave.	(978)582-4531	<a href="mailto:jmarino@lunenburgonline.com">jmarino@lunenburgonline.com</a>
Sewer Commission	DPW Building 520 Chase Rd	(978)582-4160 x8	<a href="mailto:jrodriquenz@lunenburgonline.com">jrodriquenz@lunenburgonline.com</a> <a href="mailto:blefevre@lunenburgonline.com">blefevre@lunenburgonline.com</a>
Tax Collector	Town Hall 17 Main Street	(978)582-4133 (978)582-4132	<a href="mailto:mmallari@lunenburgonline.com">mallari@lunenburgonline.com</a>
Town Manager	Town Hall 17 Main Street	(978)582-4144	<a href="mailto:hlemieux@lunenburgonline.com">hlemieux@lunenburgonline.com</a> <a href="mailto:epeterson@lunenburgonline.com">epeterson@lunenburgonline.com</a>
Town Clerk	Town Hall 17 Main Street	(978)582-4130 (978)582-4131	<a href="mailto:kherrick@lunenburgonline.com">kherrick@lunenburgonline.com</a>
Zoning Board of Appeals	Ritter Building 900 Mass Ave.	(978)582-4146	<a href="mailto:lnormandin@lunenburgonline.com">lnormandin@lunenburgonline.com</a>

## PURPOSE

The purpose of this Residential and Commercial Development Permitting Guidebook is to assist homeowners, property and business owners, developers, brokers and contractors who want to build or renovate within the Town of Lunenburg. The intent is to facilitate permitting by providing clear, easy-to-follow procedures that outline the permit review process. It is an attempt to highlight the planning necessary, the permitting required and the options available to individuals and developers who wish to consider a project within the Town. Proper planning will increase the likelihood that an applicant's project and design will be accepted, and reduce the risk that significant, expensive, and time-consuming changes are needed. This Guidebook is not intended to replace the more specific rules and regulations that each Board, Commission or Department is charged with promulgating and enforcing.

## INTRODUCTION

In recognition of the need to protect the health, welfare, safety and aesthetics of our community, Lunenburg has adopted and implemented protective zoning bylaws; subdivision regulations; site plan approval and special permits rules and regulations; an excavations and earth removal general bylaw; a general stormwater management bylaw; a general demolition delay bylaw; a general architectural preservation district bylaw; a general sewers bylaw and sewer use regulations; a general wetlands bylaw and regulations; and a land use permitting procedure bylaw. The local bylaws and rules and regulations are based on state laws which generally set parameters or minimums and then allow individual communities the discretion to enhance these to suit local conditions and objectives. One exception is the Building Code, which is the same throughout the State, but which local governments are required to administer and enforce. Some of the Departments, Boards and Commissions charged with adopting and/or enforcing these laws, bylaws and rules and regulations are:

- **Building Department**
- **Planning Board**
- **Conservation Commission**
- **Board of Health**
- **Zoning Board of Appeals**
- **Board of Selectmen**
- **Sewer Commission**
- **Architectural Preservation District Commission**

In general, if your project involves a new residential structure or addition on an existing lot or structure, or a new use on a lot, then the Building Department should be your first point of contact. If your project includes the subdivision of land, or a new or expanded commercial facility, you should contact the Planning Board first. In most cases, one or more other Boards, Commissions or Departments, including Board of Health, Conservation Commission, Board of Selectmen, Sewer Commission, Zoning Board of Appeals, and Architectural Preservation District Commission may also need to be involved. If you wish to research the bylaws and rules and regulations on your own prior to beginning the permitting process, documents that you may find useful include:

- [Lunenburg Protective Zoning Bylaws](#) and [Zoning Map](#)
- [Lunenburg General Bylaws](#)
- [Planning Board Subdivision Regulations](#)
- [Planning Board Rules and Regulations for Site Plan Approval & Special Permits](#)
- [Excavations and Earth Removal Bylaw](#)
- [Sewers Bylaw](#)
- [Sewer Use Regulations](#)
- [Board of Health Regulations](#)
- [Massachusetts Wetlands Protection Act](#)
- [Non-Zoning Wetlands Protection Bylaw](#).

These documents and many others can be found on the Town's webpage at <https://www.lunenburgma.gov/>.

Some of the factors to consider include the existing zoning district (which regulates the allowed uses, location of buildings, dimensional requirements, etc.); impacts on wetlands, floodplains or streams; water supply and waste disposal; parking and traffic impacts; stormwater management; and lighting; just to name a few. There are also requirements for minimizing temporary impacts during construction. This Guidebook offers a general introduction to these factors as well as the processes and procedures applicants need to follow and the Boards, Commissions or Departments responsible for each. It is not meant to replace the official (and more detailed) documents mentioned above.

The Town makes every effort to minimize the processing time for permits. However, processing permits does take time and some permits have specific state regulations regarding process and time frames. As with anything, proper planning, research and communication with the Town will help the applicant anticipate and avoid potential problems and delays. We encourage the applicant to contact the Town as early in the planning process as possible. If the project is complex and involved, the applicant may consider hiring outside professionals such as architects, engineers, or other consultants for assistance. The applicant will most likely find that hiring qualified professionals experienced in successfully processing permits will save time and money in the long run.

The Land Use Department has created [Land Use Permitting Procedures](#)<sup>1</sup> which communicate the process for applying to the Town for various permits. For a subdivision proposal, it is recommended that a "conceptual" meeting be held with town officials prior to submission.

Below is a table of types of permits and which department/board/commission is responsible for issuing the permit:

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<sup>1</sup> <https://www.ecode360.com/29814677>

<b>BUILDING PERMIT</b>	Required for most construction projects, including any new construction or changes made to an existing building. Granted by the Building Commissioner.
<b>DEMOLITION PERMIT</b>	Required for the removal of any part of a building, except when included in a building permit. Demolition may require a determination by the Historic Commission with input by the Building and Fire Departments. Granted by the Building Commissioner.
<b>HEATING PERMIT</b>	Required for the installation, alteration or repair of a heating system as follows: Oil System – Granted by the Fire Department Gas System – Granted by the Plumbing Inspector
<b>PLUMBING PERMIT</b>	Required for the installation or alteration of a plumbing system. Granted by the Plumbing Inspector.
<b>SEPTIC PERMIT</b>	Required for the installation or repair of a septic system(s). Granted by the Board of Health.
<b>SEWER PERMIT</b>	Required for the construction or connection to Lunenburg Sewer System. Granted by the Sewer Commission
<b>POOL PERMIT</b>	Required for the installation or alteration of a swimming pool. Granted by the Building Commissioner.
<b>SIGN PERMIT</b>	Required for the installation or alteration of a sign. Granted by the Building Commissioner, except with a development plan review, in which case the determination will be made by the Planning Board and the Building Commissioner.

**If you are not sure if the work you are planning requires any kind of permit, please contact the Building Department first. Please refer to the permit and use matrix in Appendix B for further information about which Town Departments, Boards or Commissions issue permits and which uses are allowed in which zoning districts.**

**Disclaimer:**

The Protective Zoning Bylaw, General Bylaws, Subdivision Rules and Regulations, Non-Zoning Wetlands Bylaw and Sewer Use Rules & Regulations of the Town of Lunenburg, and any other bylaw or rules and regulations, as applicable, take precedence over any information contained within this guidebook or any conflict between them. All information contained in this Guidebook is subject to change and is valid as of December 10, 2018.

**If you belong to a Homeowner's Association, Condo Association, or a similar type of group, please also investigate any rules, regulations, or policies of those organizations.**

## FREQUENTLY ASKED QUESTIONS (FAQ)

This section is designed to answer frequently asked questions about the permitting process in the Town of Lunenburg. Each question is followed by a short answer and directs the reader to a section that follows in the Guidebook which outlines the procedure in more detail.

**Q.** How do I know if a permit or a review is needed?

**A.** Generally, remodeling or improvements to an existing building only require a building permit. Town staff will assist applicants in coordinating procedures for all projects that require more than just a building permit. Whatever the requirements of a project, it is useful to consult with Town personnel early in the project planning process. **Building Department Section.**

**Q.** What if I want to put in a pool or build a shed?

**A.** Consultation with the Building Commissioner is essential. Some pools may require an electrical and/or plumbing permit as well as a building permit. Sheds <200 square feet in area may be exempt from a building permit; check with the Building Department. Any new structures in your yard may require review by the Conservation Commission if your property has or is near any wetland resource areas. **Building Department Section, Conservation Commission Section.**

**Q.** Does a building permit expire?

**A.** Work must begin within six months of the date all permits are issued. If you are actively working on a project, the permit does not expire. However, for cause, one or more extensions of time, for periods not exceeding six months each, may be requested in writing, and may or may not be granted in writing by the Building Commissioner.

**Q.** Can I be denied a building permit?

**A.** The Building Commissioner has the authority to deny a building permit on the basis of noncompliance with the State Building Code and/or the zoning or general bylaws. The applicant has a right to appeal this decision to the Zoning Board of Appeals (ZBA) within 30 days of the Building Commissioner's decision. **Zoning Board of Appeals Section.**

**Q.** What is a Certificate of Occupancy and when is it issued?

**A.** Once a project is complete, the Building Commissioner will inspect the final product and issue a Certificate of Occupancy, provided all the work has been completed in accordance with the provisions of the approved permits and the applicable codes for which a permit is required.

**Q.** What if I want to construct a new home or business?

**A.** New construction may require one or more permits depending on the size, location, and proposed use. Your first step should be to consult the Building Department and review the Town of Lunenburg's Protective Zoning Bylaw and General Bylaws to determine whether your project is allowed in that zoning district. The Bylaws specify minimum lot area, building coverage, and setback requirements. Required permits may include a special permit, site plan review, building permit, Conservation Commission review and/or Board of Health Review. **Building Department Section, Planning Board Section, Conservation Commission Section, Appendices A and B.**

- Q.** What should I do if I wish to use my property in a manner not allowed for in the bylaws?
- A.** Exceptions for uses not specified in the Bylaw require a variance from the Zoning Board of Appeals. **Zoning Board of Appeals Section.**
- Q.** What if I want to expand my home or business and the expansion will be close to the property lines?
- A.** The Town of Lunenburg Protective Zoning Bylaws require specific [setbacks](#)<sup>2</sup> for new construction and additions. If your project does not conform to the Zoning Bylaw's dimensional requirements, you may request a variance, or, under certain circumstances, a special permit from the ZBA. **Zoning Board of Appeals Section.**
- Q.** Can I take down trees on my property without a permit?
- A.** If a tree is on the roadside, it is likely in the right-of-way of the Town's road and consultation with the Department of Public Works should be made. If the tree(s) happen to be in the right-of-way of either Leominster Road, Lancaster Avenue, Northfield Road, or Flat Hill Road, then a [Scenic Road Application](#)<sup>3</sup> must be submitted to the Planning Board, who will hold a public hearing in conjunction with the Tree Warden before the tree(s) can be removed. The Scenic Road Act also applies to alteration or removal of a stone wall on the aforementioned designated scenic roads.

If you are removing many trees on your property, you may be required to file a Forest Cutting Plan with the State. In addition, removing trees in wetland resource areas needs to be reviewed by the Conservation Commission. **Planning Board Section and Conservation Commission Section.**

- Q.** What if I wish to subdivide my land?
- A.** The Planning Board regulates the creation of new lots in the Town of Lunenburg. You will need to go through the [Approval Not Required](#)<sup>4</sup> process for a simple division of land or lot line changes. If it's a new subdivision development with many houses, you need to go through the [subdivision](#)<sup>5</sup> process with the Planning Board. **Planning Board Section.**
- Q.** What approvals are needed if my project requires a new or expanded septic system?
- A.** The Lunenburg Board of Health and the Nashoba Associated Boards of Health issue Title V septic system permits. **Board of Health Section**
- Q.** What if I am doing work near a stream, wetland, or other waterbody?
- A.** The Town of Lunenburg Conservation Commission regulates construction near wetlands, streams and other waterbodies. **Conservation Commission Section.**
- Q.** What if I wish to perform work in an Historic District?

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<sup>2</sup> <https://www.ecode360.com/29811975>

<sup>3</sup> <https://www.lunenburgma.gov/files-docs/18-05-24/planning-board-applications>

<sup>4</sup> <https://www.lunenburgma.gov/boards-commissions-committees/planning-board/anr-procedures-and-forms>

<sup>5</sup> <https://www.ecode360.com/29815205>

- A.** Lunenburg has an Architectural Preservation District (APD) and [bylaw<sup>6</sup>](#), which designates any stone wall or building within the APD greater than 75 years old to be a contributing property. Any substantial alteration to or demolition of all or part of a contributing property in the APD is subject to approval of the Architectural Preservation District Commission. A map of the area of town affected can be found in the bylaw.
- Q.** Can I tear down structures on my property without a permit?
- A.** Demolition of any structure in Lunenburg requires a permit from the Building Department. Lunenburg also has a [Demolition Delay Bylaw<sup>7</sup>](#) contained in the General Bylaws that applies to historically significant buildings and structures (>75 years old). Whenever a property owner would like to demolish any significant building or structure, they must apply for a Demolition Permit from the Building Department. The Building Commissioner will forward the Demolition Application to the Lunenburg Historical Commission for review to determine if the property falls under the Demolition Delay Bylaw. If the demolition involves a stone wall on one of the Scenic Roads in Lunenburg, then a hearing by the Planning Board is required under the Scenic Roads Act.
- Q.** Who should I contact for more info?
- A.** The **CONTACT INFORMATION** section of this guide book has a list of Town Officials' phone numbers and emails if more information is needed.
- Q.** How do I apply for a permit?
- A.** Most application forms are located online at the Town's website: <https://www.lunenburg-ma.gov/>. Forms are also available in each department's office during normal business hours.

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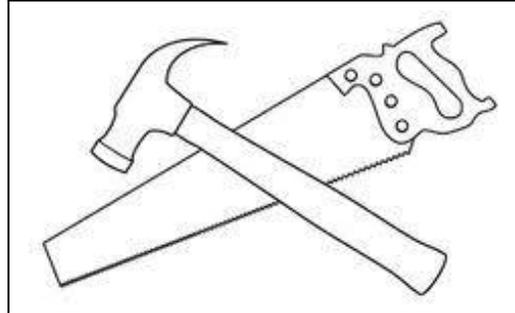
<sup>6</sup> <https://www.ecode360.com/30800368>

<sup>7</sup> <https://www.ecode360.com/29819926#29819926>

## DEPARTMENTS, BOARDS, AND COMMISSIONS

### Building Department

The Building Commissioner serves as the Zoning Enforcement Officer and reviews project plans for compliance with [Lunenburg's Protective Zoning Bylaws](#)<sup>8</sup>, [Lunenburg's General Bylaws](#)<sup>9</sup>, [Massachusetts Building Codes](#)<sup>10</sup>, [Lunenburg's Architectural Preservation District Bylaw](#)<sup>11</sup> and the [Architectural Access Board](#)<sup>12</sup> relating to the inspection, materials, construction, demolition, alteration, repair, height, area, location and use of land, buildings and other structures within the Town. Permits are required for virtually all construction projects, including, but not limited to roofing, siding, pools, fencing, pellet/wood stoves and accessory buildings of 200 square feet or more. For advice regarding compliance with zoning bylaws and for permit applications, please contact the Building Commissioner. Building permit applications can be found online at <https://www.lunenburgma.gov/>, by clicking the links below, or in person in the Building Department office, during office hours.



#### **BUILDING DEPARTMENT APPLICATIONS**

[BUILDING PERMIT APPLICATION – 1 OR 2 FAMILY](#)

[GAS PERMIT APPLICATION](#)

[BUILDING PERMIT APPLICATION – OTHER THAN 1 OR 2 FAMILY](#)

[SIGN PERMIT APPLICATION](#)

[ELECTRICAL PERMIT APPLICATION](#)

[PLUMBING PERMIT APPLICATION](#)

[MECHANICAL/SHEET METAL PERMIT APPLICATION](#)

[DRIVEWAY PERMIT APPLICATION](#)

A plan for a building permit for a new dwelling, retail commercial or commercial building shall contain a two-dimensional line drawing, drawn to scale, showing the location and the perimeter outline dimensions, street names and building lot area and shall be stamped and signed by a registered land surveyor. A plan for a building permit to construct a detached accessory building, utility shed or an addition to an existing structure shall contain a two-dimensional line drawing, drawn to scale, showing the location and perimeter outline dimensions of the lot, existing and/or proposed structures and showing thereon the front, rear and side yard dimensions from the lot line to the building, the building lot area, street names, existing water supply source and sanitary system. Such plan need not bear the stamp and signature of a registered land surveyor. For more details contact the Building Department.

<sup>8</sup> <https://www.ecode360.com/29810884>

<sup>9</sup> <https://www.ecode360.com/LU3524-DIV-04>

<sup>10</sup> <https://www.mass.gov/ma-state-building-code-780-cmr>

<sup>11</sup> <https://www.ecode360.com/30800368>

<sup>12</sup> <https://www.mass.gov/orgs/architectural-access-board>

Non-conformance with the Zoning Bylaws may require a hearing before the Zoning Board of Appeals to obtain a special permit and/or variance prior to obtaining a building permit. Certain projects and uses may require additional permits from other Town Boards, Commissions or Departments. It is recommended that a pre-submission discussion occur with the Building Commissioner before applying for any permits to ensure the correct process is followed. In discussions with the Building Commissioner you will want to ask:

1) Which sections of the Protective Zoning Bylaws apply?

- In which Zoning District is the project located?
- Is the project allowed by right or does it require a Site Plan Review and/or a Special Permit?
- Is the use, structure or lot nonconforming?
- Is the project located within the Water Supply Protection District?
- Is the project located within a [flood zone](#)<sup>13</sup>?
- What site design criteria apply to the project (landscaping, heights, signage, etc.)

**LUNENBURG ZONING DISTRICTS**

Residence A District  
 Residence B District  
 Outlying District  
 Recreation District  
 Limited Business/Residential District  
 Retail Commercial District  
 Commercial District  
 Office Park and Industrial District  
 Floodplain District  
 Water Supply Protection District  
 Route 2A Overlay District  
 Lake Whalom Overlay District  
 Tri-Town Smart Growth District  
 Summer Street Revitalization Overlay District  
 Village Center District

2) Do the [Lunenburg Subdivision Regulations](#)<sup>14</sup> apply?

- Are any new lots or roads being created?
- Are any existing property boundaries being changed?

3) Does the [Wetlands Protection Act Regulations](#)<sup>15</sup> and/or [Lunenburg Non-Zoning Wetlands Protective Bylaw](#)<sup>16</sup> and [Regulations](#)<sup>17</sup> apply?

- Is the project located in or within 100 feet of a stream bank, wetlands vegetation, land under water, water body, or land subject to flooding?
- Is the project located within 200 feet of any stream, river, creek, or brook that runs year-round or dries up?

4) Are related development permits needed?

- Will the project need septic and water?
- Is the project located on a state highway or will it have access onto a state highway?
- Will hazardous materials be stored or used on the site?
- Will the property be logged?

<sup>13</sup> <https://msc.fema.gov/portal/>

<sup>14</sup> <https://www.ecode360.com/29815205>

<sup>15</sup> <https://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations>

<sup>16</sup> <https://www.ecode360.com/29810812>

<sup>17</sup> <https://www.ecode360.com/29816063#29816063>

- Will the project trigger any of the Massachusetts Environmental Protection Act ([MEPA thresholds](#)<sup>18</sup>)?
- Will any street trees or stone walls be removed on a Scenic Road?

Construction or work for which a permit is required is subject to inspection by the Building Commissioner and other inspectors within the Town's jurisdiction, such as electrical and plumbing, stormwater, wetlands, and/or roadways. Such construction or work shall remain accessible and exposed for inspection purposes until completed.

In order to be in compliance with the Town's Zoning Bylaws, most businesses (even home-based businesses) need to obtain a [Use Permit](#)<sup>19</sup> from the Building Department. Once the Use Permit is obtained, the business owner can obtain a Business Certificate from the Town Clerk's office.

### Driveway Permit

Prior to any construction of a driveway, an owner shall make written application for approval to the Building Commissioner. A [driveway permit application](#) needs to be signed off by the Conservation Commission, Planning Board, Police Department, Fire Department, DPW and Tax Collector before being submitted to the Building Department.

### Planning Board

The Planning Board plays a vital role in the development patterns of a municipality by planning for its future and overseeing its growth. Lunenburg's Planning Board is an active five-member elected Board whose overall goal is to oversee the development of the community, while encouraging preservation of natural landscapes and important land resources throughout the permitting and construction processes. The Planning Board's role in development is to review and approve the subdivision of land, site plans, certain special permits, and the removal or alteration of trees and stone walls within the Town's right-of-way along designated Scenic Roads. The Planning Board is governed by local, state, and federal statutes regulating the development of land. It must ensure that each project meets the spirit and intent of the Lunenburg Protective Zoning Bylaws, General Bylaws, Subdivision Rules and Regulations and Special Permit/Site Plan Review Rules and Regulations of the Planning Board, as well as state and federal laws, and the Town's Master Plan.

Planning boards must ensure that all procedural requirements are strictly followed to provide each applicant with the due process afforded them by the laws and the Constitution. Furthermore, all Planning Board permitting actions must be reasonable and supported by the information provided to the Board by the applicant and other interested parties. It is therefore important for applicants to ensure that the Planning Board receives all information pertinent to a proposed project. Lunenburg has a [Land Use Permitting Procedures Bylaw](#)<sup>20</sup> containing the process applicants should follow in the permitting process. A list of the sections of the Zoning Bylaw and which Board, Department or Commission reviews and/or issues the permit is provided in the Land Use Permitting Procedures Bylaw, as well as a [flow chart](#)<sup>21</sup> of the permitting process.

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<sup>18</sup> <http://www.mass.gov/eea/agencies/mepa/about-mepa/statute-and-regulations/11-03-review-thresholds.html>

<sup>19</sup> <https://www.lunenburgma.gov/sites/default/files/field/files-docs/formofintent.pdf>

<sup>20</sup> <https://www.ecode360.com/29814677>

<sup>21</sup> <https://www.ecode360.com/attachment/LU3524/LU3524-315a%20Permitting%20Process.pdf>

The Land Use Director meets with the applicant to review the proposal and to identify all permits necessary in the process of review to gain approval. This pre-application meeting is an opportunity to explain the permit processes, requirements, timetables and the sequence of all boards' approvals. The next step in the preliminary stages is an initial technical peer review meeting that involves all land use and service departments and appropriate reviewing agencies and consultant representatives. This procedure defines the concerns that need to be addressed, such as traffic, fire service accessibility, wetland problems, drainage issues and roadway concerns. It familiarizes the applicant/developer with the Protective Bylaw of the Town of Lunenburg, Rules and Regulations Governing the Subdivision of Land and other regulations. It determines the completeness of a submittal before the official filing of a proper plan.

This procedure is considered "best practice" and helps the permitting body and the town reviewers, through this process, to meet the needs of multiple boards and commissions without conflict. It further assists the owner/applicant in saving time and monies as the submittal presented by them will be in compliance with the procedure before an official review of the project begins. It also assists putting the project on an appropriate timetable for all other permitting necessary for the project. Most of the Planning Board application forms can be found on their webpage [here](#)<sup>22</sup>.

In conjunction with the aforementioned pre-submittal meeting, or independently, potential applicants may contact the Land Use Director to schedule a pre-submission meeting with the Planning Board. Submitting a general outline of the proposal and conceptual plans will provide enough information for the Board and the potential applicant to have a discussion on the merits and potential issues with the proposal. The purpose of this meeting is to vet a draft proposal with the Board to identify any major flaws that may delay or hinder the approval process. This meeting can be requested for Site Plan Approval or Special Permits governed by the Planning Board and though the Board cannot provide any guarantee of approval, it can provide guidance that may save time and expense in the development of final engineered plans.

Once a project is formally submitted to the Planning Board, there is an application fee and possibly a review fee. The review fee is regulated by [M.G.L. Ch. 44, Section 53G](#)<sup>23</sup>, and must be paid by the applicant if the Planning Board needs to retain an engineering firm, landscape architect, or other consultant to advise on traffic, drainage, construction standards and designs, and any other engineering-related or technical matters. Applicants are also responsible for legal advertising costs, recording fees, and other incidental costs.

### Approval Not Required

There are generally two methods by which land can be divided. One method is known as an [Approval Not Required](#)<sup>24</sup> (ANR) plan. This applies to plans that simply adjust lot lines between abutting properties through sale or exchange or creating new building lots on an existing street if the lots have the required area and frontage and have adequate access. This is a simple process that does not require a public hearing and must be completed within 21 days of submittal to the

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<sup>22</sup> <https://www.lunenburgma.gov/files-docs/18-05-24/planning-board-applications>

<sup>23</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter44/Section53G>

<sup>24</sup> <https://www.lunenburgma.gov/boards-commissions-committees/planning-board/anr-procedures-and-forms>

Planning Board. Endorsement of the ANR Plan by the Planning Board shall not be deemed to constitute any determination of compliance with other requirements of the Lunenburg Protective Zoning Bylaw or any other applicable law.

### Subdivision Control

The other method of land division is a process required under the Subdivision Control Law (MGL Ch. 41, Sections 81K-81GG) and is a formal procedure requiring public hearings and abutter notifications. Certified abutter's lists can be obtained from the Assessor's Office by submitting a form available in that office or online [here](#)<sup>25</sup>. This process is required if the project includes the construction of new streets as well as new building lots. It requires a careful analysis of construction standards, traffic patterns, drainage, etc. Any action that requires changing lot lines, under either process, requires a plan that must be prepared by a professional surveyor and/or engineer. The subdivision process requires much more detailed information on many plan sheets, while the ANR process requires only a single sheet. There are two types of submission types in the subdivision of land: a Preliminary Plan and a Definitive Plan.

A Preliminary Plan of a subdivision may be submitted and, in the case of nonresidential subdivisions, *must* be submitted by the applicant to the Planning Board. The Planning Board will forward the application packet to the Board of Health, Conservation Commission, Building Department, Sewer Commission, Water Department and District, and Fire Department for comments relative to the overall concept of the plan and to specific concerns regarding either the overall site or specific lots and ways shown on the plan. The submission of such a Preliminary Plan shall be made on [Form B, Application for Approval of a Preliminary Plan](#)<sup>26</sup>. A Preliminary Plan will provide the means for the applicant, the Planning Board, municipal agencies, and owners of property abutting the proposed subdivision to discuss and clarify any of the problems of such a subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case. For details on submission requirements, see Section 325-3.3 of the [Lunenburg Subdivision Regulations](#)<sup>27</sup>



The Planning Board has forty-five (45) days to issue a decision on the Preliminary Plan, with or without suggested modifications or with modifications agreed to by the person submitting such plan or disapprove such plan with a detailed, written statement of the reasons for such disapproval. In the event that the Planning Board approves such plan, this approval does not constitute approval of the subdivision but does facilitate the procedure for securing final approval of the Definitive Plan. Approval of said plan shall be effective for seven months or until a definitive plan evolving from the preliminary plan is filed, whichever comes first. A Preliminary Plan is not recorded at the Registry of Deeds.

<sup>25</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/certified\\_abutters\\_list.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/certified_abutters_list.pdf)

<sup>26</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/12.14\\_forms\\_a\\_-\\_n.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/12.14_forms_a_-_n.pdf)

<sup>27</sup> <https://www.ecode360.com/29815325>

A Definitive Plan may be filed with or without a Preliminary Plan if it is a residential subdivision. If filed after a Preliminary Plan approval, the Planning Board must render a decision on the Definitive Plan within 90 days of submittal; without a Preliminary Plan the decision must be made within 135 days of submittal. A Definitive Plan must contain all the information required in the Lunenburg [Subdivision Regulations Section 325-3.4](#)<sup>28</sup> and comply with [Article IV](#):<sup>29</sup> Design Standards to be considered a complete application. Submission of the Definitive Plan must be made on [Form C, Application for Approval of Definitive Plan](#)<sup>30</sup>. In addition, Forms D and E and appropriate schedules must be completed. The application packet shall be submitted to the Board of Health and the Town Clerk, in addition to the Planning Board.

Within 45 days of submission, the Board of Health will report their findings to the Planning Board verifying suitability of lots for septic and other public health concerns. If the proposed subdivision requires tie-in to the sewer system, approval from the Sewer Commission must be obtained. Other Town Boards/Commissions/Departments are required to comment to the Planning Board on the application. A public hearing is set and abutters are notified of the application and public hearing date. Once a decision is made by the Planning Board, the plan and the decision require recording at the Registry of Deeds within six months of the decision.

### Mixed Residential Development

Mixed residential development is an option for developers when creating a subdivision to provide varied housing stock and to encourage development alternatives. This type of development is allowed by special permit from the Planning Board on a lot with an area of a minimum of five (5) acres, and subject to other applicable bylaws and the Rules & Regulations Governing the Subdivision of Land. Applicants must follow the bylaw for [mixed residential development](#)<sup>31</sup> within the Zoning Bylaws, in addition to any other applicable laws and regulations.

### Planned Residential Area

[Planned residential area](#)<sup>32</sup> is an option for developers when creating a subdivision on a parcel of more than five (5) acres in the Residence A, Residence B, or Outlying Districts. The purpose is to provide opportunities for other than single-family development and is granted as a special permit in addition to subdivision approval. In this type of development, an applicant has the option of designating by deed restriction a certain number of affordable housing units and thereby allowing a reduction of the dimensional requirements of individual lots within the subdivision.

### Cluster Development

The purpose of cluster development is to encourage the preservation of usable open space, agricultural lands, and forested lands in the Town of Lunenburg and assist in preserving the rural residential character of the Town. If a proposed single-family residential development contains more than 25 acres, it must comply with the [Cluster Development Bylaw](#)<sup>33</sup>, which requires open space to be permanently designated. This type of development requires a special permit as well as subdivision approval.

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<sup>28</sup> <https://www.ecode360.com/29815367>

<sup>29</sup> <https://www.ecode360.com/29815520>

<sup>30</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/12.14\\_forms\\_a\\_-\\_n.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/12.14_forms_a_-_n.pdf)

<sup>31</sup> <https://www.ecode360.com/29812046>

<sup>32</sup> <https://www.ecode360.com/29812084>

<sup>33</sup> <https://www.ecode360.com/29812130>

## Special Permit

The Planning Board also acts as the Special Permit Granting Authority (SPGA) for some uses listed in [Article IV](#)<sup>34</sup> of the Lunenburg Protective Zoning Bylaws (see Appendix B, Permit and Use Matrix). A special permit is a discretionary land use approval that a property owner is required to obtain prior to undertaking certain activities on their property. As a discretionary land use approval, the request for a special permit may be denied for projects that the SPGA anticipates will adversely impact the community. Alternatively, the SPGA may approve a request for a special permit subject to conditions and limitations to prevent or mitigate potential adverse impacts of the proposed project. The Planning Board has [Rules and Regulations for Site Plan Approval & Special Permits](#)<sup>35</sup> that includes the submission requirements as well as the process procedures. The SPGA must abide by the procedures of M.G.L. Ch. 40A, [Section 9](#)<sup>36</sup> and [Section 11](#)<sup>37</sup> of the Massachusetts Zoning Act with regard to the process for hearing and granting a special permit. Click [here](#)<sup>38</sup> for Special Permit Application.

## Site Plan Review

Developments of commercial, industrial, institutional, mixed use, or multi-family uses, together with their associated outdoor areas for vehicular movement and parking, accommodate varying degrees of open and continuous use by the general public. Due to their physical and operational characteristics, these developments may affect neighboring properties and adjacent sidewalks and streets. It is in the Town of Lunenburg's interest to promote functional and aesthetic design, construction, and maintenance of such developments and to minimize any harmful effects on surrounding areas. For these reasons, such projects require a Site Plan Review. The intent of Site Plan Review is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town by ensuring that the design and layout of certain developments permitted by right or by special permit will constitute suitable developments and will not result in a detriment to the neighborhood or the environment.

Site Plan Review by the Planning Board is required for any of the following:

- New construction or exterior expansion of any nonresidential building or multifamily dwelling containing more than four units. "Expansion" shall include a floor space increase of 5,000 square feet or 25% or more within any ten-year period, whichever is less;
- The construction or enlargement of any multifamily dwelling containing more than four units, or buildings accessory to such dwellings, including such dwellings on contiguous lots under the same ownership;
- The construction or rehabilitation of a building involving 10 or more parking spaces;
- The construction, reconfiguration or renovation of parking facilities, with the exception of normal maintenance;

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<sup>34</sup> <https://www.ecode360.com/29810996>

<sup>35</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/pb\\_rules\\_regs\\_2016\\_final.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/pb_rules_regs_2016_final.pdf)

<sup>36</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A/Section9>

<sup>37</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A/Section11>

<sup>38</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/special\\_permit\\_appl\\_10.14.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/special_permit_appl_10.14.pdf)

- Any use designated that is granted a special permit or variance by the Zoning Board of Appeals;
- Any change of use within an existing building or site;
- Any child-care facility.

Applications are to be prepared in accordance with the Planning Board Rules and Regulations for Site Plan Approval and Special Permit. Click [here](#)<sup>39</sup> for the Site Plan Review Application.

### Stormwater Management

The [Stormwater and Storm Sewers Bylaw](#)<sup>40</sup> was created to control the adverse effects of increased post-development stormwater runoff, flooding and non-point source pollution associated with new development and re-development, and to comply with Lunenburg's Phase II NPDES Stormwater Permit requirements of the Environmental Protection Agency. It is the underlying intent that proper management of post-development stormwater runoff will:

- Prevent flooding and erosion;
- Protect groundwater and surface water from degradation;
- Promote groundwater recharge;
- Prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
- Ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;

The Planning Board is the Special Permit Granting Authority (SPGA) under the Stormwater and Storm Sewers Bylaw and is responsible for coordinating the review, approval and permit process as defined in the bylaw. Other boards and/or departments may participate in the review process as defined in the bylaw. The SPGA shall give one copy of the application package to the designated technical reviewers, which include the Conservation Commission, Department of Public Works, and Building Commissioner, for the purpose of reviewing the permit application. The SPGA may also engage the services of a peer review engineer at its discretion. A proposed project will be subject to this bylaw if the amount of land disturbed during the project is greater than one (1) acre.

### Board of Health

The Board of Health is a five-member elected board responsible for the protection of public health, the control of disease, the promotion of sanitary living conditions, and the protection of the environment from damage and pollution. It is important to obtain [Board of Health regulations](#)<sup>41</sup>, in addition to [Chapter 300](#)<sup>42</sup> of the Code of the Town of Lunenburg applicable to your project very early in the design phase of development. The Board of Health and the Nashoba

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<sup>39</sup> <https://www.lunenburgma.gov/files-docs/18-05-24/planning-board-applications>

<sup>40</sup> <https://www.ecode360.com/33599550>

<sup>41</sup> <https://www.lunenburgma.gov/files-docs/18-05-14/board-health-regulations>

<sup>42</sup> <https://www.ecode360.com/29814014>

Associated Boards of Health Agent enforce the state and local health and environmental codes in Lunenburg. Among the many permits and certificates the Board of Health issues are those for wells and septic systems, swimming pools, drainage and other groundwater issues; as well as guiding and advising residents on other public health issues. The Board of Health has a list of resources on their [website](#)<sup>43</sup> for many of the issues listed here.

### Septic Systems

Lunenburg has limited public sewer and public water systems. Therefore, most projects need to obtain a permit from the Board of Health for an approved sanitary system for wastewater disposal, and a well to supply water. The Board of Health reviews and approves plans for wells, septic systems or any other wastewater disposal method based on the Health Agent's recommendation. The Health Agent coordinates with the Planning Board and Conservation Commission on placement of septic systems and wells in new subdivisions and near wetlands. For new buildings, an approved septic system and well are necessary before a building permit can be issued. The first step is soil evaluation. The second step is to determine if the soil is suitable for a septic system. This is done by a percolation test (or "perc" test) to evaluate the rate at which water seeps into the ground.

A first test, called a deep hole test (soil evaluation) is to determine the groundwater level. If the groundwater is too high, a septic system cannot be located on the lot. Perc tests must be performed by an engineer and witnessed by the Health Agent. Perc tests and soil evaluation testing must be scheduled with the Board of Health Agent. Groundwater determination shall be between March 1<sup>st</sup> and May 1<sup>st</sup> unless otherwise approved by the Board of Health.



For additions to existing structures, the Board of Health must determine whether the septic system can accommodate any additional flow that may be generated. If not, a new system may be required. In the case of failed systems serving an existing house, the Board may approve waivers from its regulations as long as the regulations are met to the maximum extent feasible. See the Sewer Commission Section for tie-in to Lunenburg's Sewer System.

[Nashoba Associated Boards of Health Common Applications](#)<sup>44</sup>

[State Septic Systems/Title V Information](#)<sup>45</sup>

### Conservation Commission

The Lunenburg Conservation Commission is a seven-member volunteer board appointed by the Board of Selectmen that is responsible for administering the [Massachusetts Wetlands Protection Act](#)<sup>46</sup>, [Massachusetts Wetlands Regulations](#)<sup>47</sup>, the [Lunenburg Non-Zoning Wetland Bylaw](#)<sup>48</sup>, and the [Lunenburg Wetlands Regulations](#)<sup>49</sup>. The Conservation Commission also participates in the permitting process of the Planning Board and the Zoning Board of Appeals by commenting on

<sup>43</sup> <https://www.lunenburgma.gov/boards-commissions-committees/board-health>

<sup>44</sup> <http://www.nashoba.org/environmental/common-applications-forms>

<sup>45</sup> <https://www.mass.gov/septic-systems-title-5>

<sup>46</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter131/Section40>

<sup>47</sup> <https://www.mass.gov/files/documents/2016/08/vy/310cmr10a.pdf>

<sup>48</sup> <https://www.ecode360.com/29810812>

<sup>49</sup> <https://www.ecode360.com/29816063#29816063>

applications submitted as part of the subdivision, special permit, site plan review and stormwater management processes.

The Massachusetts Department of Environmental Protection (DEP) through the Massachusetts Wetlands Protection Act (the Act) authorizes the Conservation Commission to administer the Act locally for the DEP. The DEP only becomes involved in the process to assign a case number to applications submitted and to act as the appeal authority in the case of an appeal of the Conservation Commission's decision under the Act.

The intended purpose of the Act is to protect the public and private water supplies, surface and groundwater, wildlife habitats, and flood prone areas. Wetlands serve to buffer and provide natural storage for floodwaters and are recharge areas for groundwater aquifers. Wetlands are land areas that contain surface water all or part of the time, as well as some adjacent land areas. Legally the term includes not only areas we typically think of as wetlands, such as cattail marshes and red maple swamps, but also intermittent streams, floodplains, and other areas that may be dry for a significant portion of the year. The Act specifically regulates activities in or near these areas. The most commonly regulated wetlands are bordering vegetated wetlands (BVWs), which are wetlands that share a border with a stream, pond, or lake.

Any proposed activity or project that will "remove, fill, dredge, or alter" a wetland resource area or the 100-foot buffer zone associated with a wetland resource area must obtain a permit from the Conservation Commission. The term "alter" includes, but is not limited to, any development, construction, destruction of vegetation, any change in drainage characteristics or flow patterns, and any change in the groundwater. Examples of resource areas are the 200-foot riverfront area, a marsh, a floodplain, a woody swamp or a vernal pool. The riverfront area and floodplain do not have buffer zones associated with them. Please contact the Conservation Commission office if you have any questions regarding wetland issues or if you are uncertain whether you should file, particularly if you are a new homeowner.



Lunenburg's Wetland Regulations requires a 30-foot-wide undisturbed, vegetated strip of naturally occurring plant species maintained between a wetland resource area and any proposed activities. In addition, no structures shall be permitted within 50 feet of any resource area in order to provide for the 30-foot buffer and safe and adequate access around said structures. The purpose of the 30-foot undisturbed strip is to filter out pollutants and sediment before they reach waterways, to help with floodwater absorption, and to support wildlife habitat. It is important for a project proponent to determine the location of any wetland resource areas as a first step in determining project locations.

The Conservation Commission accepts application on [forms](#)<sup>50</sup> prescribed by the MA DEP according to the [procedures](#)<sup>51</sup> in the Lunenburg Wetland Regulations. Below is a brief description of the forms that may be required for submission to the Conservation Commission:

### Request for Determination of Applicability

This application requests the Conservation Commission to determine if the proposed work or property is subject to the Act or the Lunenburg Non-Zoning Wetland Bylaw and Regulations. For smaller projects, the Conservation Commission may also determine if the work can be done in a manner that will not negatively impact the resource area. The applicant is responsible for providing the information required for the review of this application to the Conservation Commission. The submittal of a complete and accurate description of the site and project will minimize requests for additional information by the Conservation Commission, which may result in an unnecessary delay in the issuance of a Determination of Applicability.

Upon receiving a Request for Determination of Applicability (RDA), the Conservation Commission must schedule a public meeting within 21 days. This public meeting must be advertised in a local newspaper (at the expense of the applicant) at least five (5) days prior to the meeting and abutters must be notified. The Conservation Agent or Conservation Commission members may wish to visit the location of the project before the public meeting. At the public meeting, the Conservation Commission will review the facts related to the proposed work and make a determination as to whether or not the project falls under the jurisdiction of the Act. The public must be given an opportunity to provide input at these meetings.

The Conservation Commission's determination is usually made and announced at the same meeting, although the Conservation Commission does have 21 days to make their determination and will sometimes continue discussion to a later public meeting. In response to an RDA, the Commission may issue a Determination of Applicability as one of the following decisions:

- **Positive Determination:** The proposed work or property is subject to the Act and/or Lunenburg Non-Zoning Wetlands Bylaw and requires the filing of a Notice of Intent;
- **Negative Determination:** The proposed work is not subject to the Act and/or Lunenburg Non-Zoning Wetlands Bylaw; or
- **Negative Determination with Conditions:** The proposed work is within the 100-foot buffer zone and will not adversely impact the resource area if specified conditions are adhered to.

### Notice of Intent

This application provides the Conservation Commission with a detailed description of proposed work that may impact a resource area or buffer zone. The RDA step can be skipped if the applicant already knows the proposed project is subject to the Act. In response to a Notice of Intent, the Conservation Commission may issue an Order of Conditions permitting the proposed work with conditions to prevent significant adverse impacts to a resource area. The Conservation Commission may deny the project because it cannot be performed in a manner that prevents negative impacts to a wetland resource area.

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<sup>50</sup> <https://www.mass.gov/lists/wetlands-permitting-forms>

<sup>51</sup> <https://www.ecode360.com/29816137>

To obtain an Order of Conditions, a project proponent must submit the Notice of Intent application to the Conservation Commission and the DEP. The applicant is responsible for providing the information required for the review of this application to the Conservation Commission. The submittal of a complete and accurate description of the site and project will minimize requests for additional information by the Conservation Commission that may result in a delay in the issuance of an Order of Conditions.

Upon receiving a Notice of Intent, the Conservation Commission must schedule a public hearing within 21 days. The hearing must be advertised in a local newspaper (at the expense of the applicant), and all abutters within 100 feet of the property on which the work is being done must be notified in writing by the applicant. Before the public hearing, the Conservation Commission members review the Notice of Intent and its supporting material in preparation for their evaluation of the project. The Conservation Commission may require an expert to review the Notice of Intent and recommend conditions. An expert agreeable to both the applicant and the Conservation Commission is paid by the Commission with funds provided by the applicant.

At the public hearing, the Conservation Commission will review proof of abutter notifications provided by the applicant, question the applicant, and review the Notice of Intent and its supporting documents to evaluate the project’s likely impact on the resource area(s). The public must be given an opportunity to make comments and ask questions at this hearing. Based on this discussion and review, the Conservation Commission may determine that more information is needed before it can reach a decision. They may then require the applicant to provide further information and continue the hearing to a later date. The hearing may not be continued without the permission of the applicant; however, if the applicant refuses the Conservation Commission’s request for more information, the Commission may deny the permit, stating insufficient information was supplied to evaluate the project.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 MassDEP File # \_\_\_\_\_  
 eDEP Transaction # \_\_\_\_\_  
 City/Town \_\_\_\_\_

**A. General Information**

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

1. From: Conservation Commission

2. This issuance is for (check one):  
 a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:

a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
 c. Organization \_\_\_\_\_  
 d. Mailing Address \_\_\_\_\_  
 e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_

4. Property Owner (if different from applicant):

a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
 c. Organization \_\_\_\_\_  
 d. Mailing Address \_\_\_\_\_  
 e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_

5. Project Location:

a. Street Address \_\_\_\_\_ b. City/Town \_\_\_\_\_  
 c. Assessors Map/Plat Number \_\_\_\_\_ d. Parcel/Lot Number \_\_\_\_\_  
 Latitude and Longitude, if known: d. Latitude \_\_\_\_\_ m \_\_\_\_\_ s \_\_\_\_\_ e. Longitude \_\_\_\_\_ d \_\_\_\_\_ m \_\_\_\_\_ s \_\_\_\_\_

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If the Conservation Commission determines that it has sufficient information, it has 21 days from closing the hearing to issue or deny a permit for the work, although it may decide to make the decision right away. The Conservation Commission may decide that the proposed work does not meet the requirements of the Act and deny the permit. This decision may be appealed by the applicant to the DEP. Permit appeals of a Conservation Commission decision, however, is not limited to an appeal to Mass DEP. There is also the local permit which must be taken into consideration. Almost every decision of the Conservation Commission is a dual decision issued in a combined permit. If appealed to just DEP, only the state regulations would be considered on

an appeal. Authority granted under the home rule law would require that appeal of the local decision made under Lunenburg regulation may only be appealed to superior court.

The Conservation Commission may also decide that the proposed work will not endanger the nearby wetlands as long as the work proceeds subject to certain conditions. If this is their determination, they issue an Order of Conditions, which is the permit.

The Order of Conditions lists any conditions the Conservation Commission is placing on the work in order to protect a resource area. There is a 10-day appeal period before the work may proceed. During this time, the Conservation Commission's decision may be appealed by the applicant, an abutter, any affected individual, or any 10 citizens of the town. The Order of Conditions must be recorded at the Worcester Northern Registry of Deeds prior to any work commencing.

### [Abbreviated Notice of Resource Area Delineation \(ANRAD\)](#)

The Abbreviated Notice of Resource Area Delineation (ANRAD) provides a procedure for an applicant to confirm the delineation of a Bordering Vegetated Wetland (BVW). If an ANRAD is filed for a BVW delineation, confirmation of other resource areas may also be requested provided the other resource area boundaries are identified on the plans which accompany the boundary delineation.

The filing of an ANRAD is optional and is typically completed as the first step in a large subdivision. No work is proposed on the ANRAD, only resource area delineation verification. The Conservation Commission will perform one or more site visits to evaluate the accuracy of the resource area delineation. Once an ANRAD is approved, the Conservation Commission will issue an Order of Resource Area Determination (ORAD) verifying what resource areas are present and where their boundaries are.

### [Habitat Evaluation Form](#)

If a proposed project is within an [Estimated Habitat of Rare Wildlife](#)<sup>52</sup> and a Notice of Intent (NOI) is required, a copy of the NOI must be sent to the Natural Heritage and Endangered Species Program (NHESP) for review in addition to the Conservation Commission. Unless the proposed activities are [exempt](#)<sup>53</sup> from 21 CMR 10.18 through 10.23, you will also need to file under the [Massachusetts Endangered Species Act](#)<sup>54</sup> (MESA).

If it is determined that the proposed project lies within a rare species habitat and is not exempt, the project proponent is required to submit a [MESA Project Review checklist](#)<sup>55</sup>, filing fee, and the required information outlined on the checklist to the [Natural Heritage and Endangered Species Program](#)<sup>56</sup> so that a determination can be made regarding whether the proposed project will have an impact on the endangered species or their habitat. In addition, a [Habitat Evaluation Form](#)<sup>57</sup> is required to be filed with the Conservation Commission at the time an NOI is filed if the

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<sup>52</sup> <https://www.mass.gov/service-details/regulatory-maps-priority-estimated-habitats>

<sup>53</sup> <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>

<sup>54</sup> <https://www.mass.gov/service-details/ma-endangered-species-act-mesa-overview>

<sup>55</sup> [https://www.mass.gov/files/documents/2017/09/11/MESAChecklist\\_form.pdf](https://www.mass.gov/files/documents/2017/09/11/MESAChecklist_form.pdf)

<sup>56</sup> <https://www.mass.gov/orgs/masswildlifes-natural-heritage-endangered-species-program>

<sup>57</sup> <http://www.mass.gov/eea/agencies/massdep/water/watersheds/massachusetts-wildlife-habitat-protection-guidance-for-inland-wetlands.html>

proposed project is above certain thresholds. To determine thresholds, please refer to the [Massachusetts Wildlife Habitat Protection Guidance for Inland Wetlands](#)<sup>58</sup>

### Request for Certificate of Compliance

Once a project is completed and all of the conditions in the Order of Conditions have been satisfied, the project proponent must apply for a Certificate of Compliance. The project proponent is required to have an engineer provide a statement that the project has been completed according to the approved plan and submit this statement along with a completed Request for Certificate of Compliance to the Conservation Commission. The Conservation Commission will have the project inspected to confirm completeness and will provide a Certificate of Compliance to the permittee which must be recorded at the Registry of Deeds. Once this is filed, the case is considered closed. If this step is not completed by the project proponent, the open Order of Conditions will stand on the title to the property and issues may arise if the property is sold or refinanced.

### Forest Cutting Plan

Under the [Massachusetts Forest Cutting Practices Act](#)<sup>59</sup>, the Conservation Commission reviews and comments on Forest Cutting Plans from public and private landowners who propose to harvest more than 25,000 board feet or 50 cords of timber on any property. An estimate of fifty 22-inch diameter trees would be needed for 50 cords. The Massachusetts Department of Conservation and Recreation reviews and approves Forest Cutting Plans filed by landowners. Filing with the Conservation Commission is for local informational purposes and validation of local wetland resources.

If a homeowner would like to cut down a few trees, they should consult with the Conservation Commission in advance since it is illegal to cut down trees in a wetland without a permit. Some tree cutting may be exempt and should be confirmed with the Conservation Commission.

### Zoning Board of Appeals (ZBA)

All matters which come before the Zoning Board of Appeals are initiated by residents and businesses seeking relief from the Zoning Bylaws. The ZBA is a five-member and three associate member volunteer board appointed by the Board of Selectmen and acts as a quasi-judicial body deciding whether or not to vary from the Lunenburg Protective Zoning Bylaws. The ZBA is also responsible for hearing administrative appeals of decisions made by the Building Commissioner and may also review and decide applications for [comprehensive 40B permits](#)<sup>60</sup>. The ZBA may also initiate the process to amend the local zoning bylaw or ordinance.

Like most rules, there are sometimes circumstances where the literal application or enforcement of the Lunenburg Protective Zoning Bylaws creates a hardship or otherwise may be considered “unfair”. There are provisions that allow deviations from the Zoning Bylaw. Such deviations are

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<sup>58</sup> <http://www.mass.gov/eea/agencies/massdep/water/watersheds/massachusetts-wildlife-habitat-protection-guidance-for-inland-wetlands.html>

<sup>59</sup> <http://www.mass.gov/eea/agencies/dcr/conservation/forestry-and-fire-control/chapter-132-ma-forest-cutting-practices-act.html>

<sup>60</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/lunenburg\\_40b\\_zba\\_rules\\_and\\_regs\\_june\\_29\\_2017\\_.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/lunenburg_40b_zba_rules_and_regs_june_29_2017_.pdf)

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

Another type of exception is called a special permit. Special permits differ from variances in that they are expressly authorized in the bylaw and the conditions under which they can be granted are specified. See the Use and Permit Matrix in Appendix B for special permits that the ZBA is responsible for. Both variances and special permits require notification of abutters and a public hearing, but vary in their procedural time periods (See Processes Section). The ZBA may grant relief of some nature to the applicant, usually with conditions attached to the special permit or variance. These conditions are designed to make the proposal less intrusive to neighbors or to ensure compliance with what the ZBA perceives to be important limitations on an applicant's proposal. [Zoning Board of Appeals Instruction and Application for Special Permit, Appeal, Variance or 40B Permit](#)<sup>61</sup>

## Board of Assessors

The Board of Assessors is composed of three members elected for three-year terms. As part of the application process with the Conservation Commission, Board of Selectmen, Planning Board and Zoning Board of Appeals, the applicant is required to obtain a certified abutters list from the Assessor's Office in order that appropriate state laws and regulations are followed regarding notification of public hearings. [Requests for certified abutter's lists](#)<sup>62</sup> must be accompanied by a \$25.00 fee and include the specific location of the property and within how many feet abutters are needed (direct, 100 feet, 300 feet), which varies with each type of permit applied for. Please allow a period of up to 10 business days for the Assessor's Office to complete these requests upon receipt of payment.

## Board of Selectmen

The Board of Selectmen is composed of five members who are elected for three-year terms.

## Earth Removal

The Board of Selectmen is the permit granting authority for any earth removal in Lunenburg. The [application](#)<sup>63</sup> and all required information is submitted to the Board of Selectmen for any project removing in excess of 10 cubic yards of material to another location. Chapter 140, Article I, [Earth Removal](#)<sup>64</sup> contains specific procedures that will be followed.

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<sup>61</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/zba\\_application\\_form.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/zba_application_form.pdf)

<sup>62</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/certified\\_abutters\\_list.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/certified_abutters_list.pdf)

<sup>63</sup> <https://www.lunenburgma.gov/files-docs/18-11-20/earth-removal-permit-application>

<sup>64</sup> <https://www.ecode360.com/29819956>

## Department of Public Works

The Department of Public Works (DPW) mission is to protect, preserve and improve the Town's infrastructure and related assets in a manner which meets and enhances the current and future social and economic needs of the community; to contribute to a healthy, safe and quality environment for the town's citizens and visitors; and to provide a cost effective and environmentally sound means of disposing of solid waste and waste water. The DPW includes the Cemetery, Facilities, Highway, Parks, and Sewer Departments. The DPW also has an advisory role whenever development activities, whether residential, commercial or industrial, may have an impact on Town roads, property, or services.

### Utility Installations

If the roadway near a project needs to be dug up to install utilities, a [Road Opening Permit](#)<sup>65</sup> and/or [Trench Permit](#)<sup>66</sup> must be obtained from the DPW and in the case of a sewer hook-up, the Sewer Commission also needs to sign off on the permit.

### Sewer Commission

The Sewer Commission consists of five elected members who oversee the Sewer Bylaw, the Sewer Assessment Bylaw, sewer connections and extensions, and Sewer Use Regulations, among others; all of which can be found on the Town's website on the Sewer Commission's [Policies and Procedures](#)<sup>67</sup> page.

In order to connect to Lunenburg's sewer system, your property must have access to the town sewer in order to submit an application to connect. Call the Sewer Commission office [(978)582-4160 x208] to determine if you are eligible or you can check the online GIS [map](#). Enter your address in the search field, click on Find Address, click on your parcel and the map will then zoom in to your property. Click on Map Layers and select Sewer Service Area Map. If your parcel is in brown, sewer is available to you and you can submit an application for a permit to connect. If it is green, it is in the Sewer Service Area (SSA) slated for future expansion of the sewer system. If the parcel is in the white area, it is not an area of Town expected to be serviced by sewer any time in the near future, based on the Comprehensive Wastewater Management Plan done in 2010 and would require Town Meeting approval to extend the SSA before proceeding.

An [application for sewer permit](#)<sup>68</sup> must be completed and submitted. Some things to consider before applying for a permit:

- Are your taxes paid up with the Collector's office? No permits can be issued from any Town Department if taxes (real estate or excise) are outstanding.
- Is it for Residential or Commercial hookup?
  1. Residential
    - a. How many bedrooms? Cost for a permit is \$2250.00 per dwelling for up to 3 bedrooms, then \$550/bedroom above 3. For multi-family homes, each

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<sup>65</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/road\\_opening\\_permit.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/road_opening_permit.pdf)

<sup>66</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/trench\\_safety\\_permit.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/trench_safety_permit.pdf)

<sup>67</sup> <https://www.lunenburgma.gov/boards-commissions-committees/sewer-commission/sewer-commission-policies-procedures>

<sup>68</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/permit\\_to\\_connect\\_application\\_2017.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/permit_to_connect_application_2017.pdf)

- unit would be considered a dwelling for the purposes of determining the connection fee.
2. Commercial
    - a. Who supplies water to the facility? The sewer office will have to verify water usage to determine the cost for a permit for a commercial facility.
    - b. All commercial hookups will require an engineered Clearance Plan to be submitted for approval.
  3. Inflow/Infiltration (I/I) fee -- In addition, for residential properties, there is a charge of \$220 per bedroom for the remediation of Inflow & Infiltration. For commercial properties or new construction, a \$2/gallon charge will be assessed using the sewer design flow numbers of the Title V code. For large projects (greater than 15,000 gpd), the applicant will pay an additional I/I Removal and/or Capacity Fee as required by the MA Department of Environmental Protection.
  4. Reserve Capacity Fee – At the time a new extension or connection which results in a privilege fee is approved, or at the time of assessment of a new betterment, each affected property will pay a Reserve Capacity Fee of \$1.87 per gallon based on Title V flow criteria.

The contractor that installs the sewer line must fill out the proposed connection sketch on the sewer permit application and be a [licensed drain layer](#)<sup>69</sup> for the current calendar year with the Town of Lunenburg. The application requires the property owner's signature. The [Drain Layer's License Application](#)<sup>70</sup> is available on the website or at the Sewer Commission office at 520 Chase Road. The License application must be filed with a \$100 fee and a current certificate of insurance with the required insurance coverages. The insurance company can fax it to (978)582-4152, Attn: Sewer. In order to receive the Drain Layers License, the contractor cannot have outstanding As-Builts from prior installations.

If this is new construction, the Lunenburg Building Inspector must also sign off on the application, confirming that the lot is buildable and complies with the building and zoning codes. Once an acceptable Permit Application is received, along with the appropriate connection fee, and the check clears, the Application to Connect will be signed off by the DPW Director. The Sewer Department will then call the contact to let them know that the permit is approved for pick up. The Board of Health [System Abandonment form](#)<sup>71</sup> should be picked up as well and filled out at the time that the private septic system is decommissioned, if applicable. It is required that the contractor call the DPW office at (978)582-4160 to advise of the expected connection date at least two (2) days in advance, in order that the connection can be inspected and approved.

## Fire Department

The Fire Department reviews site plans and other permit applications, whether residential, commercial or industrial, for adequate roadway emergency access requirements, public safety and fire protection. The Fire Department issues permits for a variety of circumstances including, but not limited to, underground storage tanks, fire suppression systems, and storage of

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<sup>69</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/drain\\_layers\\_to\\_date\\_-\\_web\\_list\\_0818.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/drain_layers_to_date_-_web_list_0818.pdf)

<sup>70</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/drain\\_layers\\_license\\_initial\\_app\\_2017.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/drain_layers_license_initial_app_2017.pdf)

<sup>71</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/system\\_abandonment\\_for\\_boh.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/system_abandonment_for_boh.pdf)

flammable and/or hazardous materials. Permits and Inspections can be obtained through the Fire Department, located at 655 Massachusetts Avenue.

### Police Department

The Police Department has an advisory role in the development process, reviewing site plans and other applications for any issues or concerns with regard to public safety, whether it be residential, commercial or industrial development. The Department may be asked to provide input by one or more town boards or commissions with a direct role in the planning and/or permitting process.

### Town Clerk

The Town Clerk is the repository for all applications and decisions made by any of the boards or commissions in the Town. Once appeal periods for permits expire, certified copies of decisions can be obtained from the Town Clerk for recording at the Registry of Deeds.

### Lunenburg Water District

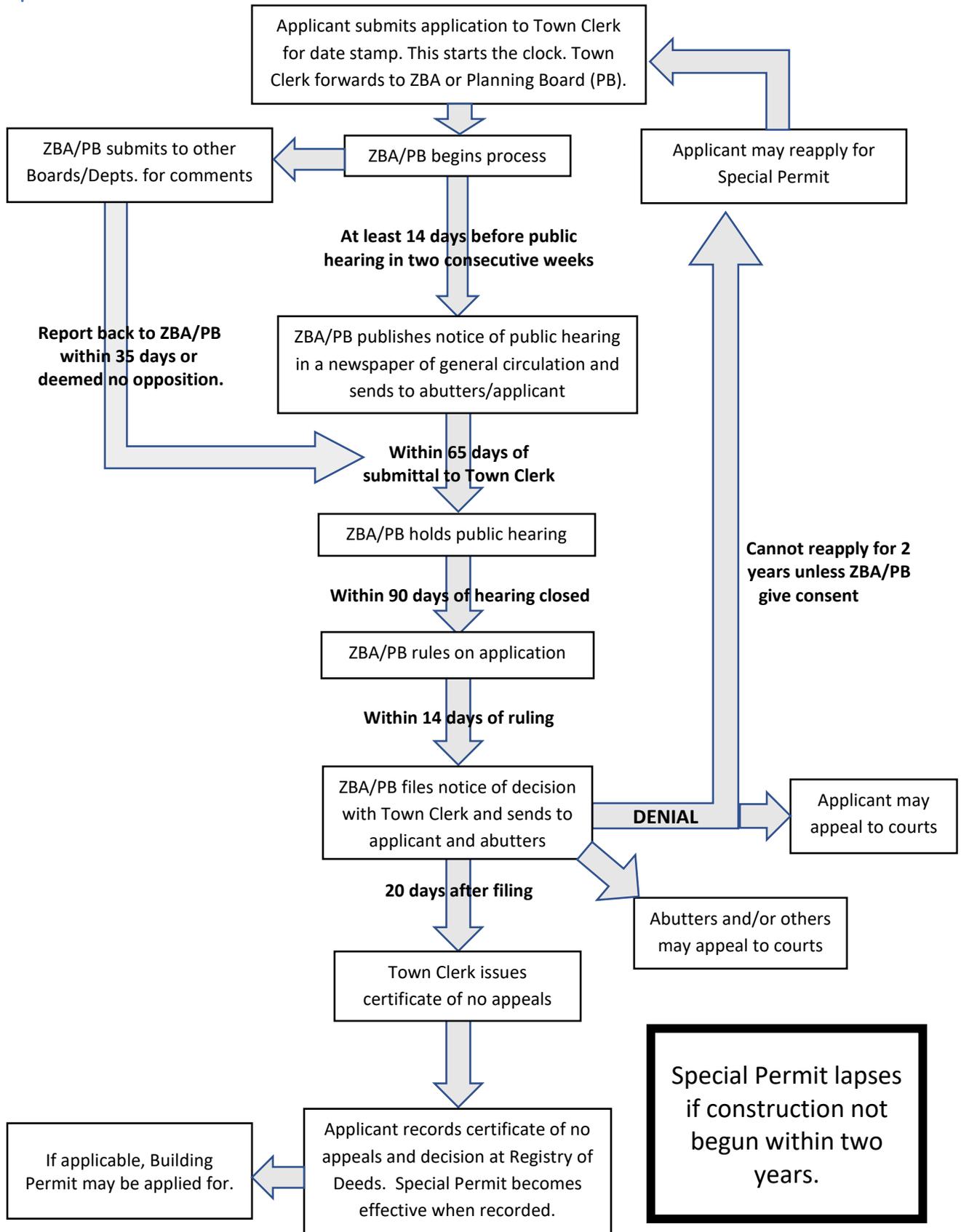
For any questions or concerns regarding public water supply or hook-up, please contact the [Lunenburg Water District<sup>72</sup>](http://www.lunenburgwater.com/) which is separate entity from the Town of Lunenburg.

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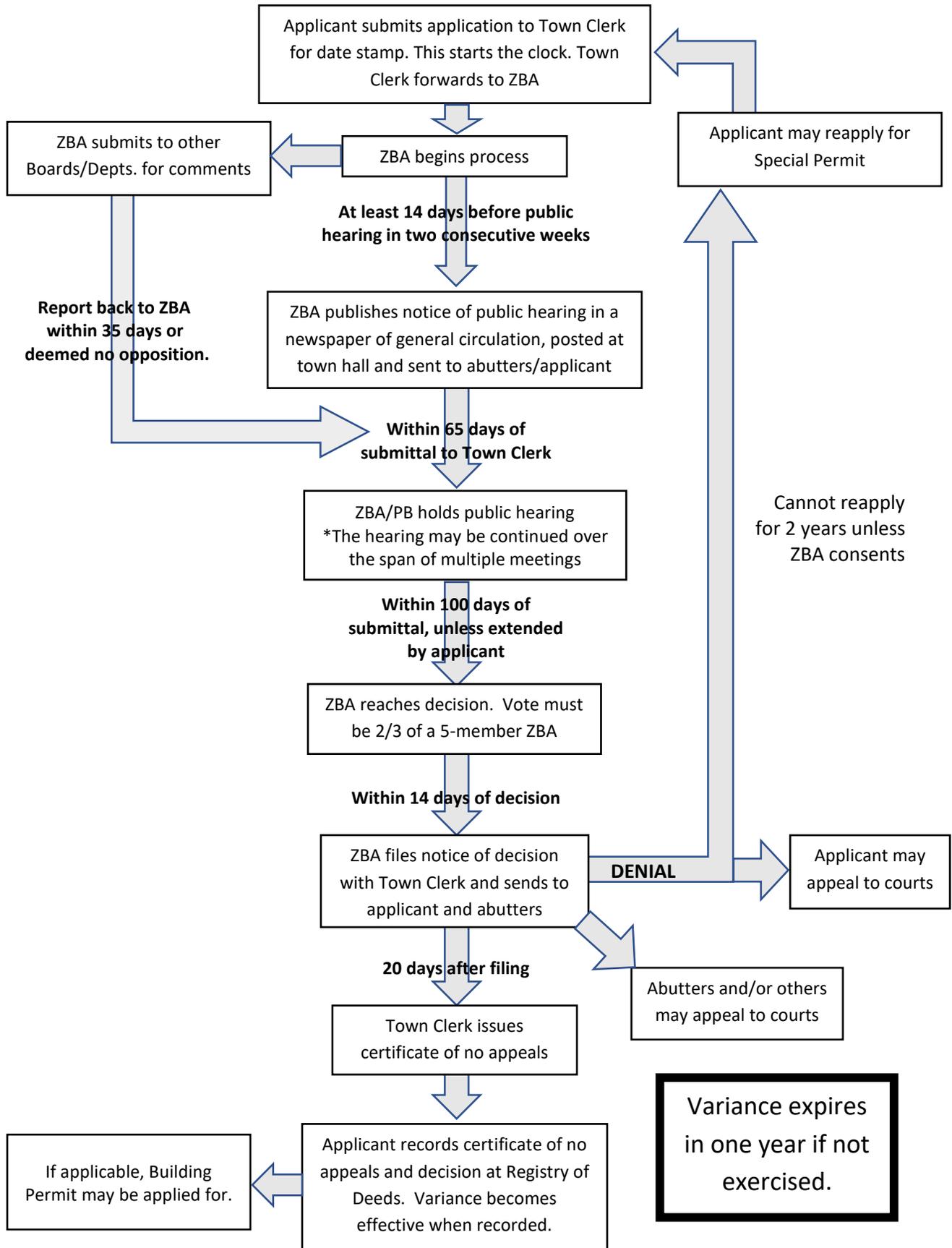
<sup>72</sup> <http://www.lunenburgwater.com/>

# THE PROCESSES – Flow Charts

## Special Permit Process



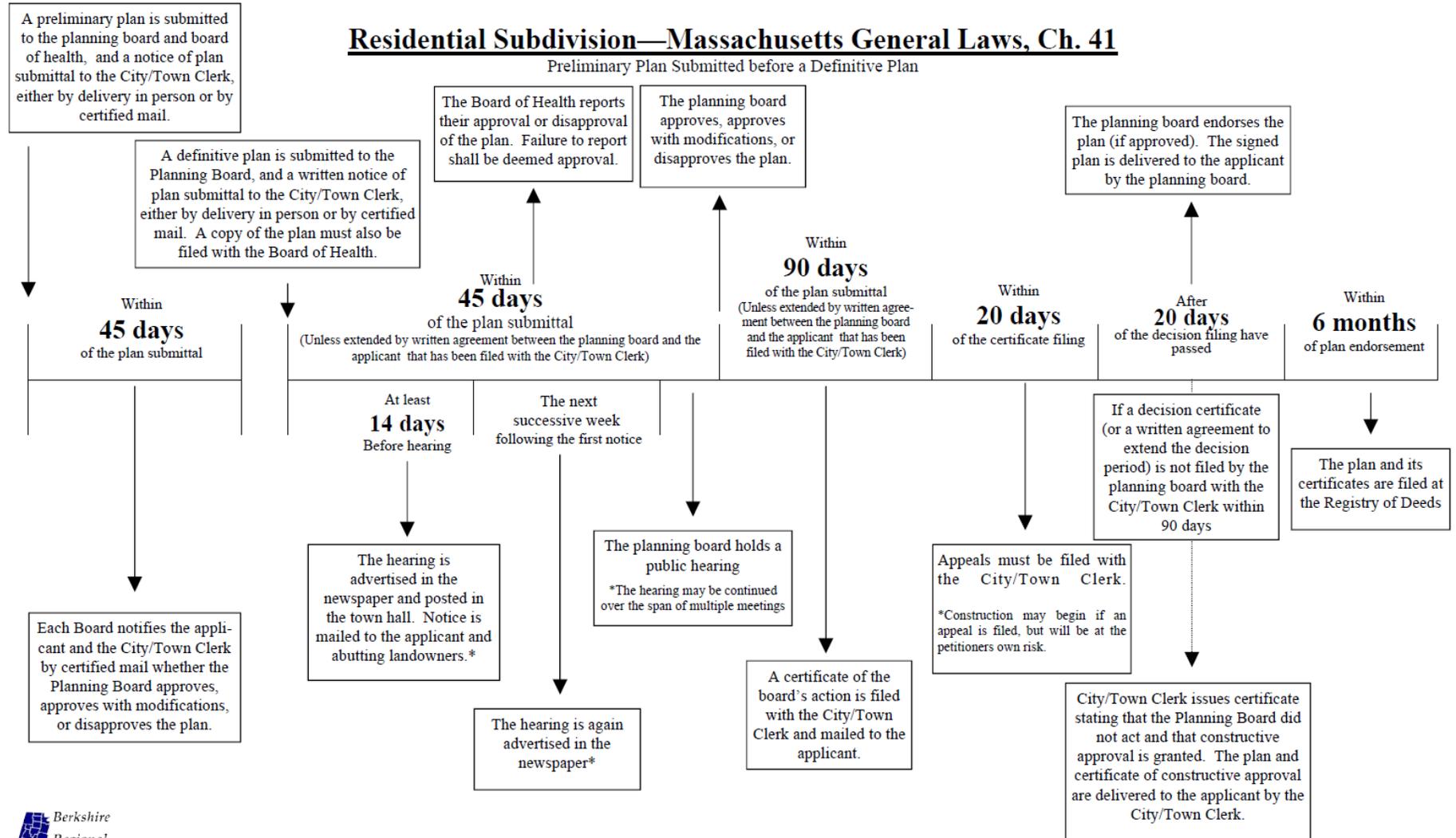
### Variance Process



Subdivision Approval Process

**Residential Subdivision—Massachusetts General Laws, Ch. 41**

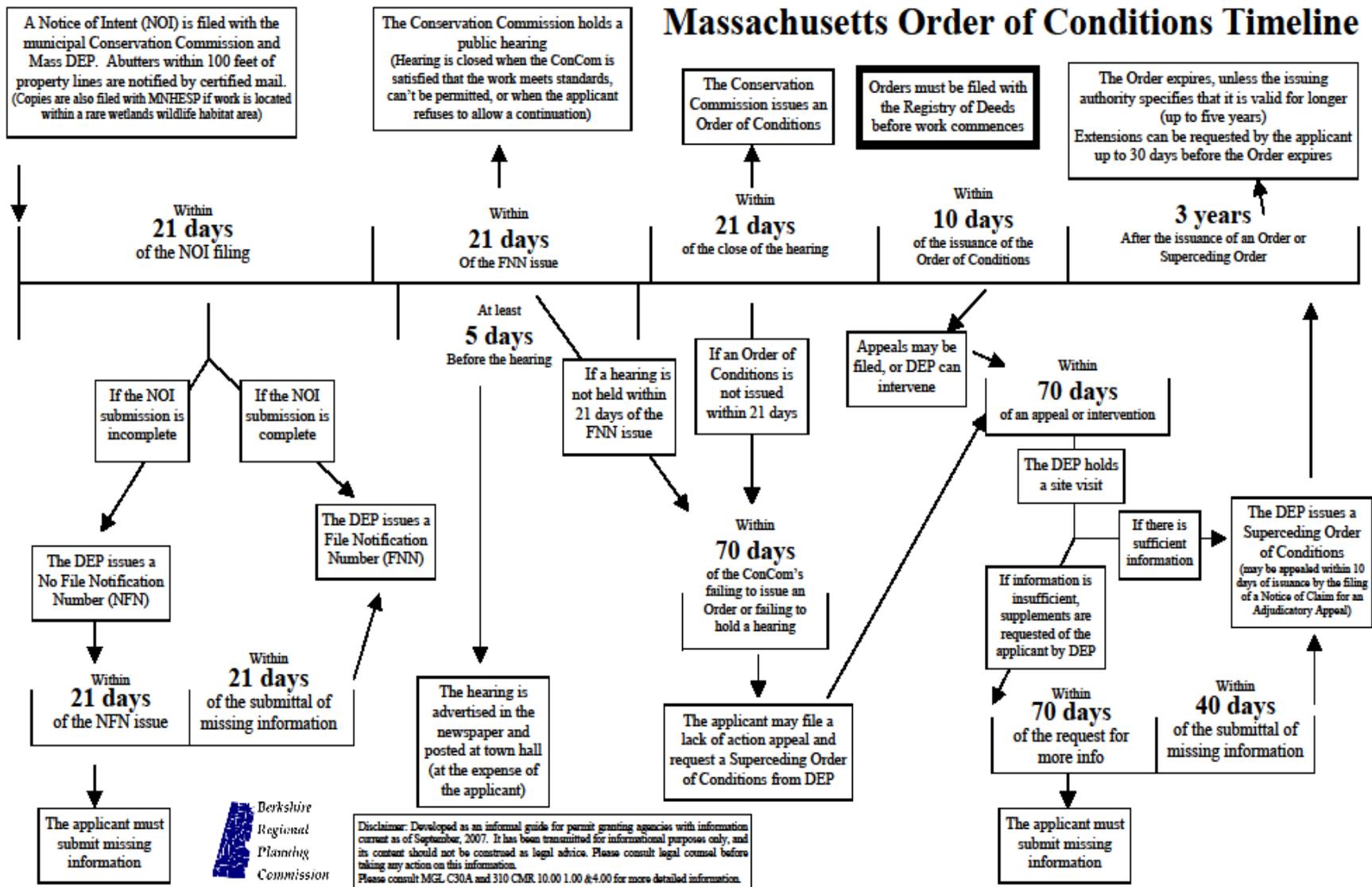
Preliminary Plan Submitted before a Definitive Plan



Disclaimer: Developed as an informal guide for permit granting agencies with information current as of September, 2007. It has been transmitted for informational purposes only, and its content should not be construed as legal advice. Please consult legal counsel before taking any action on this information. Please consult MGL C41 for more detailed information.

\* = at the expense of the applicant.

Notice of Intent Process



## FEDERAL AND STATE PERMITS

The Applicant may need to apply for one or more permits from the State or Federal government. This list is not exhaustive, but the most common permits are listed below.

*Applicants are directed to consult individual State/Federal Agencies on specifics of projects, as certain thresholds and/or permitting requirements may have changed since the printing of this Permitting Guidebook.*

### Federal Permits and Approvals

NATIONAL ENVIRONMENTAL POLICY ACT, OR “NEPA” requires the preparation of an environmental impact statement (EIS) to assess the impact of major federal action, i.e. projects and programs entirely or partly financed, assisted, conducted regulated or approved by federal agencies, that may have a significant impact on the quality of the human environment. Major federal actions are defined by statutes or determined by agency officials.

CLEAN WATER ACT, SECTION 404 PERMIT requires a project involving the discharge of dredged or fill material into waters of the United States (including federally defined wetlands) to obtain a permit from the Army Corps of Engineers. The permit may be a programmatic general permit, an individual permit or an official letter of permission.

CLEAN WATER ACT, WATER QUALITY CERTIFICATION APPROVAL requires the state to determine whether certain activities meet water quality standards; if they don’t, the Corps of Engineers is prohibited from issuing a Section 404 permit for the activity.

RIVERS AND HARBORS ACT OF 1899, SECTION 10 PERMIT requires a federal permit from the Army Corps of Engineers for dredging, filling or obstruction of navigable waters; the Section 10 permit is often applied for in conjunction with a Section 404 permit.

NATIONAL FLOOD INSURANCE ACT AND FLOOD DISASTER PROTECTION ACT CERTIFICATION requires that banks not make, extend or review any loan for improved real estate located in an area having flood hazards, and in which flood insurance is available, unless the building securing the loan is covered by flood insurance. This usually requires architectural or engineering review and certification of building plans to the lender.

CLEAN AIR ACT PERMITS OR APPROVALS may be required directly from the Environmental Protection Agency for certain emissions and hazardous air pollutants from new sources of these regulated air pollutants; most of the federal requirements, however, are incorporated by Massachusetts in its State Implementation Plan, or SIP (see State Clean Air Act).

NATIONAL HISTORIC PRESERVATION ACT SECTION 106 REVIEW requires that certain federally assisted, permitted and licensed activities that might have an adverse effect on properties listed with or eligible for listing with the National Register of Historic Places be reviewed concerning that effect and its consequences; Section 106 review is accomplished by submitting a Project Notification Form to the Historic Commission.

ENVIRONMENTAL PROTECTION AGENCY STORMWATER NOTICES OF INTENT AND/OR NPDES PERMITS are required for stormwater discharges associated with certain activities. Industrial activity was recently redefined to include “construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than five (5) acres of total land area, which is part of a larger common plan of development or sale”. The project owner and operator are required to file a Notice of Intent and pollution abatement plan with the Environmental Protection Agency.

### State Permits, Approvals and Licenses

MASSACHUSETTS ENVIRONMENTAL POLICY ACT OR “MEPA” requires state agencies to evaluate the environmental impact of all projects or activities undertaken by state agencies, and of private projects seeking state funding or permits. An Environmental Notification Form must be filed if the project meets one or more of the thresholds specified in the regulations, whereas certain activities automatically require the preparation of an Environmental Impact Report.

MASSACHUSETTS CLEAN WATER ACT, SEWER EXTENSION/CONNECTION PERMITS are required for the connection of a project to a sewer unless exempted. There are pretreatment requirements for industrial users, which must be coordinated with the permitting requirements of the Lunenburg Industrial Pretreatment Program.

MASSACHUSETTS CLEAN WATER ACT, SURFACE WATER AND/OR GROUNDWATER DISCHARGE PERMITS Surface Water Discharge Permits administered jointly by the federal Environmental Protection Agency and the Massachusetts Department of Environmental Protection, are required for point source discharge to U.S. Waters and application should be made simultaneously to both agencies. A permit may also be required for stormwater discharges where runoff is substantially contaminated or if contamination exists because the discharge is located within an industrial area or is associated with industrial activity. If the project is in an unsewered area, a disposal Works Construction Permit must be obtained from the local Board of Health in accordance with Title 5 of the State Environmental Code. If a sewage disposal system with capacity in excess of 15,000 gallons per day will be constructed; a groundwater discharge permit must also be obtained.

WATERWAYS, GREAT PONDS AND TIDELANDS CONSTRUCTION LICENSE must be obtained from the Department of Environmental Protection, Wetlands and Waterways Division, for any construction below the high-water line of state waterways, great ponds (ponds over ten (10) acres in their natural state) and tidelands.

MASSACHUSETTS CLEAN AIR ACT APPROVAL must be obtained in writing from the Department of Environmental Protection for the plans, specifications, and proposed operating procedures for the Construction, substantial reconstruction or alteration of any stationary source of air pollution, unless specifically exempted. Stationary sources emitting certain pollutant levels must register with DEP as well. Anyone constructing or demolishing a commercial building, or residential building with 20 or more units, must notify DEP at least ten (10) working days prior to starting work, if it will create emissions that cause or Contribute to a condition of air pollution.

MASSACHUSETTS ENDANGERED SPECIES ACT prohibits taking possession of any plant or animal species listed in the federal Endangered Species Act, or the alteration of a significant habitat. A project developer should review the list of endangered species from the Division of Fisheries and

Wildlife, and habitat maps available for inspection at the Town of Lunenburg Conservation Commission office.

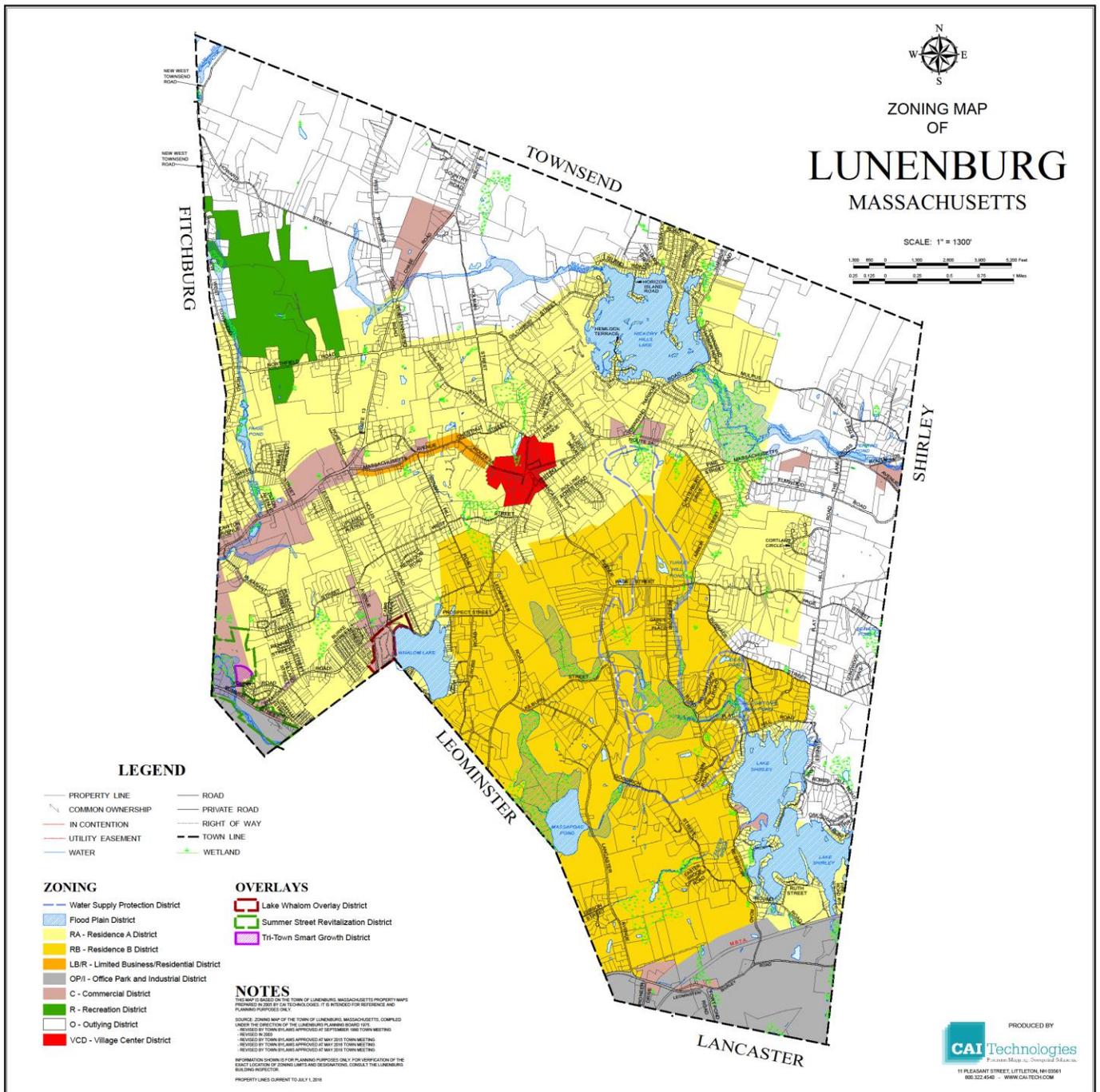
HAZARDOUS WASTE MANAGEMENT PERMITS may be required from the federal Environmental Protection Agency or state Department of Environmental Protection if any waste generated by the project is hazardous, depending on the types or quantities generated; contact the Town of Lunenburg Fire Department for information.

MASSACHUSETTS HISTORICAL COMMISSION APPROVAL must be obtained if a designated historical or archeological landmark will be altered by a project undertaken by a state agency or any private party seeking any state funding, permits or licenses for the project.

STATE HIGHWAY ACCESS PERMIT must be obtained in writing from the Massachusetts Highway Department if a project will involve the creation, alteration, expansion or substantial impact upon an opening onto a state highway. This includes property which has access directly onto state highways and property which abuts a state highway layout.

PERMIT FOR CONSTRUCTION ON RAILROAD RIGHT-OF-WAYS Massachusetts General Laws, Chapter 40, Section 54A provides that a city or town must obtain the consent of the Secretary of Transportation and Construction prior to the issuance of a building permit for any railroad right-of-way or lands appurtenant. Thereto formerly used by any railroad company in the Commonwealth.

APPENDIX A  
Lunenburg Zoning Map



The Lunenburg Zoning Map can be found on the website [here](https://www.lunenburgma.gov/sites/default/files/field/files-docs/07.01.18_zoning_map.pdf)<sup>73</sup>.

<sup>73</sup> [https://www.lunenburgma.gov/sites/default/files/field/files-docs/07.01.18\\_zoning\\_map.pdf](https://www.lunenburgma.gov/sites/default/files/field/files-docs/07.01.18_zoning_map.pdf)

**APPENDIX B**  
Permit and Use Matrix

<b>RA</b> = Residence A District <b>RB</b> = Residence B District <b>O</b> = Outlying District <b>LB/R</b> = Limited Business/Residential District <b>C</b> = Commercial District <b>OP/I</b> = Office Park and Industrial District	<b>R</b> = Recreation District <b>VCD</b> = Village Center District <b>SS</b> = Summer Street Revitalization Overlay District <b>TT</b> = Tri Town Smart Growth District <b>W</b> = Whalom Overlay District	<b>Y</b> = Yes <b>N</b> = No <b>SP-PB</b> = Special Permit Planning Board <b>SP-Z</b> = Special Permit Zoning Board of Appeals
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1. Any use not defined or included in the Use Table shall be considered prohibited in all Districts.
2. In the Use Table those uses listed under the Overlay Districts are applicable only when using the provisions of the subject Overlay District. Otherwise, the existing underlying Zoning District and its allowed uses will apply.
3. For the purposes of the Use Table, uses defined in §§ 250-4.1 D-N shall control.

ZONING BYLAW	USES <sup>1,3</sup>	ZONING DISTRICT										
		RA	RB	O	LB/R	C	OP/I	R	VCD	SS <sup>2</sup>	TT <sup>2</sup>	W <sup>2</sup>
<b>4.1D</b>	<b>USES PERMITTED IN ALL DISTRICTS</b>											
4.1.D(1)	Cemeteries	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.D(2)	Municipal Uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.D(3)	Conservation Areas	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.D(4)	Small Wastewater Treatment Facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1.D(5)	Child Care Facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>4.1.H</b>	<b>RESIDENTIAL USES</b>											
4.1H(1)	Accessory Dwelling	Y	Y	Y	Y	-	-	-	Y	-	-	RA-Y
4.1.H(2)	Boarding House	SP-Z	SP-Z	SP-Z	-	-	-	-	-	-	-	RA-SP-PB
4.1H(3)	Multi-Family Dwelling	SP-Z	SP-Z	SP-Z	SP-Z	-	-	-	SP-Z	-	Y	RA-SP-PB
4.1H(4)	Single Family Dwelling	Y	Y	Y	Y	-	-	-	SP-Z	-	-	RA-Y
4.1H(5)	Two Family Dwelling	Y	Y	Y	Y	-	-	Y	SP-Z	-	-	RA-Y
4.1H(6)	Townhouse	SP-Z	SP-Z	SP-Z	SP-Z	-	-	-	-	-	-	SP-PB
<b>4.1I</b>	<b>INSTITUTIONAL USES</b>											
4.1I(1)	Assisted Living	-	-	-	SP-Z	SP-Z	-	-	-	SP-Z	-	C-SP-PB
4.1I(2)	Charitable Institution	SP-Z	SP-Z	SP-Z	SP-Z	Y	-	Y	SP-Z	Y	-	RA-SP-PB
4.1I(3)	Church	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1I(4)	Educational Use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1I(5)	Hospital	SP-Z	SP-Z	SP-Z	-	SP-Z	-	-	-	-	-	RA-SP-PB
4.1I(6)	Government Building	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y
4.1I(7)	Public Utility	SP-Z	SP-Z	SP-Z	SP-Z	Y	Y	SP-Z	Y	Y	-	RA-SP-Z/C-Y
4.1I(8)	Water Supply	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	RA-Y
<b>4.1J</b>	<b>RECREATIONAL USES</b>											
4.1J(1)	Outdoor Entertainment	-	-	-	-	Y	Y	Y	-	Y	Y	RA-Y
4.1J(2)	Indoor Entertainment	-	-	-	-	Y	Y	-	SP-Z	Y	-	C-Y
4.1J(3)	Golf Course	-	-	SP-Z	-	-	-	Y	-	-	-	-
4.1J(4)	Private Club	SP-Z	SP-Z	SP-Z	SP-Z	-	-	-	SP-Z	SP-Z	-	C-SP-Z
4.1J(5)	Private Camp	-	-	SP-Z	-	-	-	Y	-	-	-	-
<b>4.1K</b>	<b>COMMERCIAL USES</b>											
4.1K(1)	Adult Use	-	-	-	-	SP-Z	-	-	-	SP-Z	-	C-SP-Z
4.1K(2)	Auction House	-	-	-	SP-Z	Y	-	-	-	Y	-	C-Y
4.1K(3)	Bed & Breakfast	SP-Z	SP-Z	SP-Z	Y	-	-	-	Y	-	-	C-SP-Z
4.1K(4)	Drive-in Theater	-	-	-	-	SP-Z	-	-	-	-	-	C-SP-Z
4.1K(5)	Hotel	-	-	-	-	SP-Z	-	-	-	-	-	C-SP-Z
4.1K(6)	Laundry Service	-	-	-	SP-Z	Y	-	-	-	Y	-	C-Y
4.1K(7)	Liquor Store	-	-	-	SP-Z	Y	-	-	SP-Z	Y	-	C-Y
4.1K(8)	Medical Clinic	-	-	-	SP-Z	Y	-	-	Y	Y	-	C-Y
4.1K(9)	Mixed Use	-	-	-	Y	Y	-	-	Y	Y	-	-
4.1K(10)	Motel	-	-	-	-	Y	-	-	-	-	-	C-Y

ZONING BYLAW	USES <sup>1,3</sup>	ZONING DISTRICT										
		RA	RB	O	LB/R	C	OP/I	R	VCD	SS	TT	W
<b>4.1K</b>	<b>COMMERCIAL USES continued</b>											
4.1K(11)	Office Park	-	-	-	-	-	Y	-	-	-	-	-
4.1K(12)	Pawn Shop	-	-	-	SP-Z	Y	-	-	-	SP-Z	-	C-Y
4.1K(13)	Personal Improvement Service		-	-	SP-Z	Y	-	-	Y	Y	C-Y	-
4.1K(14)	Professional Office	-	-	-	SP-Z	Y	-	-	Y	Y	-	C-Y
4.1K(15)	Retail Establishment	-	-	-	Y	Y	-	-	Y	Y	-	C-Y
4.1K(16)	Restaurant	-	-	-	Y	Y	-	-	Y	Y	-	C-Y
4.1K(17)	Restaurant, Carry-Out	-	-	-	Y	Y	-	-	SP-Z	Y	-	C-Y
4.1K(18)	Service Establishment	-	-	-	Y	Y	-	-	-	Y	-	C-Y
4.1K(19)	Shopping Center	-	-	-	-	SP-Z	-	-	-	SP-Z	-	C-SP-Z
<b>4.1L</b>	<b>HEAVY COMMERCIAL USES</b>											
4.1L(1)	Auto Sales	-	-	-	-	SP-Z	-	-	-	SP-Z	-	-
4.1L(2)	Auto Repair Facility	-	-	-	-	SP-Z	-	-	-	SP-Z	-	C-SP-Z
4.1L(3)	Boat Service Yard	-	-	-	-	SP-Z	-	-	-	SP-Z	-	C-SP-Z
4.1L(4)	Car Wash	-	-	-	-	SP-Z	-	-	-	Y	-	C-SP-Z
4.1L(5)	Construction Sales & Service		-	-	-	Y	Y	-	-	SP-Z	-	-
4.1L(6)	Contractor Yard	-	-	-	-	SP-Z	Y	-	-	-	-	-
4.1L(7)	Equipment Sales	-	-	-	-	SP-Z	Y	-	-	SP-Z	-	C-SP-Z
4.1L(8)	Equipment Repair Service	-	-	-	-	SP-Z	Y	-	-	SP-Z	-	C-SP-Z
4.1L(9)	Fuel Service Station	-	-	-	-	SP-Z	-	-	-	SP-Z	-	C-SP-Z
4.1L(10)	Repair Shop	-	-	-	Y	Y	-	-	-	Y	-	C-Y
4.1L(11)	Trade Shop	-	-	-	-	Y	Y	-	-	Y	-	C-Y
<b>4.1M</b>	<b>INDUSTRIAL USES</b>											
4.1M(1)	Distribution	-	-	-	-	-	Y	-	-	-	-	-
4.1M(2)	Industrial Parks	-	-	-	-	-	Y	-	-	-	-	-
4.1M(3)	Manufacturing	-	-	-	-	-	Y	-	-	-	-	-
4.1M(4)	Research Establishment	-	-	-	-	-	SP-Z	-	-	-	-	-
<b>4.1N</b>	<b>OTHER USES</b>											
4.1N(1)	Agriculture	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.1N(2)	Agricultural Sales & Service	SP-Z	SP-Z	SP-Z	SP-Z	Y	-	-	-	SP-Z	-	C-Y
4.1N(3)	Earth Removal	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.1N(4)	Kennel	SP-Z	SP-Z	SP-Z	-	SP-Z	-	-	-	-	-	C-SP-Z
4.1N(5)	Veterinary Hospital	SP-Z	SP-Z	SP-Z	-	SP-Z	-	-	-	-	SP-Z	-
250-4.13	Large Solar Energy Systems	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB
250-4.14	Registered Marijuana Dispensaries	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB

<b>RA</b> = Residence A District <b>RB</b> = Residence B District <b>O</b> = Outlying District <b>LB/R</b> = Limited Business/Residential District <b>C</b> = Commercial District <b>OP/I</b> = Office Park and Industrial District	<b>R</b> = Recreation District <b>VCD</b> = Village Center District <b>SS</b> = Summer Street Revitalization Overlay District <b>TT</b> = Tri Town Smart Growth District <b>W</b> = Whalom Overlay District	<b>Y</b> = Yes <b>N</b> = No <b>SP-PB</b> = Special Permit Planning Board <b>SP-Z</b> = Special Permit Zoning Board of Appeals
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- Any use not defined or included in the Use Table shall be considered prohibited in all Districts.
- In the Use Table those uses listed under the Overlay Districts are applicable only when using the provisions of the subject Overlay District. Otherwise, the existing underlying Zoning District and its allowed uses will apply.
- For the purposes of the Use Table, uses defined in §§ 250-4.1 D-N shall control.