

**TOWN OF DRACUT**  
**LAND USE AND REGULATORY PERMITTING**  
**PRACTICES**  
**ASSESSMENT AND RECOMMENDATIONS FOR**  
**STREAMLINING**



Prepared for  
The Town of Dracut  
By  
The Northern Middlesex Council of Governments



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**TOWN OF DRACUT****LAND USE AND REGULATORY PERMITTING PRACTICES****ASSESSMENT AND RECOMMENDATIONS FOR STREAMLINING**

This report was prepared under a Letter of Agreement between the Town of Dracut and the Northern Middlesex Council of Governments (NMCOG) to analyze the current permitting process within the community in light of the 2006 Massachusetts General Law, Chapter 43D the Expedited Permitting Program. This report represents a first step in providing Expedited Permitting assistance to the Town, and describes the current permitting process, provides an analysis of the positive and problematic aspects of the current system and makes recommendations in accordance with the November 2007 "A Best Practices Model for Streamlined Local Permitting" prepared by the Massachusetts Association of Regional Planning Agencies (MARPA).

The Town of Dracut's rules and regulations have been instituted to protect Dracut's environmental assets, to ensure the preservation of the Town's special character, and to protect the quality of life of its residents.

**THE COMMUNITY**

The Town of Dracut, located near Interstate 93 on the New Hampshire border thirty miles (30) north of Boston, contains 21.36 square miles of land and surface water area, and just over 28,500 people, according to the 2000 U.S. Census. To the west is the Town of Tyngsborough, while the Town of Methuen abuts Dracut to the east. The City of Lowell is located to the south and the southeastern border of the town abuts the Merrimack River. Dracut lies entirely within the Merrimack River drainage basin. Between 300 feet and 500 feet wide in its course through Dracut, the river is a major source of drinking water and recreation for communities along the river.

Dracut began the twentieth century as a resort town with summer cottages along Lake Mascuppic and events centered in Lakeview Park. Farms dotted the eastern portion of the community which remained largely undeveloped. By the 1960's, major highways such as I-93, I-495, and Route 3, had been constructed through neighboring towns, providing access to employment centers outside of

Dracut. This, along with the town's location north of the river and south of the New Hampshire border, reinforced the development of Dracut as a bedroom community for employment centers, such as Nashua, Lowell, the Route 128 and Route 495 technology corridors, as well as Boston. Today, Dracut is predominantly residential, with the greatest population increases having occurred during the 1960s, when the population grew 57.8 percent, and the 1970s, when it grew 33.2 percent. There are limited industrial, commercial, and agricultural land uses located throughout town. Although Dracut is located close to major interstate and state highways, major arterials do not go through the town. The lack of direct highway access has limited non-residential development. Dracut is a community that has attracted many people from Lowell, similar to the way Methuen has been a destination for former Lawrence residents. This migration has fostered strong neighborhood identification within the current population.

### **CHAPTER 43D**

On August 2, 2006, Massachusetts General Law (M.G.L.) Chapter 43D, *The Expedited Local Permitting Program*, was signed into law and offered tools to those communities which participate in the program (including funding) to target specific areas within the municipality for economic development. The law was created to provide a transparent and efficient process for municipal permitting, while guaranteeing that local permitting decisions on priority development sites are made within 180 days. The Expedited Permitting Program provides cities and towns with the ability to promote commercial development on pre-approved parcels by offering expedited permitting for those parcels. The development parcels are primarily commercially or industrially zoned, however, mixed-use properties also qualify for priority designation, providing they conform to the statutory requirements for a Priority Development Site. The law also provided technical assistance funds for local communities through the thirteen (13) regional planning agencies serving the Commonwealth. As a result, NMCOG received approximately \$130,000 in District Local Technical Assistance (DLTA) funds to provide technical services to its member communities.

The Town of Dracut and NMCOG entered into a Letter of Agreement in the spring of 2007, under which NMCOG would review the permitting process in the Town and make recommendations that would help streamline the permitting process. To fulfill its contractual obligations and better understand Dracut's permitting process, NMCOG staff met with the Town Manager and Town Planner in order to understand who is involved in the permitting process. NMCOG staff then met with the following town staff, on an individual basis, to discuss the permitting process and obtain any written material currently in use: the Assistant Town Manager/Town Planner, Conservation Agent, Health Agent, Deputy Fire Chief, DPW Director, Town Engineer, and the Inspector of Buildings.

Upon the completion of the initial meetings, this report was prepared, which represents a first step in providing Expedited Permitting Assistance to the Town of Dracut. The document describes the current permitting process, provides an analysis of the positive and problematic aspects of the current system and makes recommendations in accordance with *"A Best Practices Model for Streamlined Local Permitting"*, published by the Massachusetts Association of Regional Planning Agencies (MARPA).

### **CURRENT PERMITTING PROCESS**

Based on discussions with Town staff, there is no agreement on who the first point of contact is or should be. The first point-of-contact for land use applicants may be the Town Planner, Town Engineer or the Inspector of Buildings. All other municipal departments, including those in Town Hall, usually refer potential applicants to one of the people listed above. The Town Engineer, Inspector of Buildings and/or Town Planner will discuss which approvals are required, by what departments, boards and/or commissions, and direct the individual to the appropriate department(s) to obtain the necessary application(s) and information, including information regarding fees and procedures.

The potential applicant will then go to the necessary departments to obtain information and the permit application(s), and the various department representatives will discuss, in detail, what is required by their respective departments, boards and/or commissions. For example, the Conservation Agent will meet with a potential applicant and review the Massachusetts Wetlands Protection Act and the Dracut Wetlands Protection By-Law so that the rules, regulations, requirements, fees and procedures are clear.

The completed permit application is distributed by the applicant to various town departments for review and comment. For a "major project"<sup>1</sup>, a pre-application submission staff meeting, consisting of involved departments and the applicant, may be held, especially if requested by the applicant. A post-submission staff meeting is also scheduled. This meeting, which is held after the application is submitted, but before the application goes before the decision making boards and commissions, is scheduled through the office of the Town Planner. At this meeting, staff can comment on the proposal, outlining those areas that are "acceptable" and those that are going to raise issues and/or problems for the boards and commissions that have to act on the permit application. It also offers an opportunity for the project proponent to present his or her project and respond to any questions.

Municipal departments have the opportunity to submit comments in writing to the permitting boards and commissions prior to the public hearing and/or

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<sup>1</sup> There was no clear cut definition or criteria for what constitutes a "major project".

meeting, and the comments are considered by the boards and commissions in their decision-making process<sup>2</sup>. As plans are revised at the request of a board or commission, the plans are re-circulated to the various staff members for review and comment. The commissions and boards may also require peer review assistance for the entire application, or a portion thereof; for example, the Conservation Commission may request a professional engineer to review the drainage system for a proposed project.

Each approval from a permit granting board or commission has a mandated appeal period. The length of the appeal period is governed by state law and cannot be waived. The applicant may move forward with his or her project during this timeframe, including filing for a building permit, but does so at his or her own risk. Prior to the issuance of the building permit, most, but not all, municipal departments must sign-off on the development or project, and any required bonds must be submitted<sup>3</sup>. When the sign-off is complete, the required bonds are posted. When the appeal periods have expired and the appropriate construction documents are submitted and approved by the Inspector of Buildings, the building permit is issued.

Inspections are undertaken by the municipal staff during the construction of an approved project, and a final inspection is conducted when the project or building is complete. The Inspector of Buildings will issue a certificate of occupancy when the structure itself has met the building and health codes and is ready for occupancy. Sometimes a certificate of occupancy will be granted for a building or buildings before the project is complete or the bonds are released. This is especially true in subdivisions, multi-building developments or when site work remains; e.g. Conservation Commission required replication areas which can take up to two years after completion to be accepted by the Commission.

## **ANALYSIS**

In November 2007, the Massachusetts Association of Regional Planning Agencies (MARPA) published a document entitled *"A Best Practices Model for Streamlined Local Permitting"*, which outlined a number of Best Practices for the local permitting process. This Model was developed based on stakeholder input acquired by the thirteen (13) regional planning agencies, through surveys, and focus groups, as well as literature review and research on the permitting process throughout the Commonwealth and other states. It is important to note that "stakeholders" included representatives for all segments of the development community, in both the public and the private sectors. The Best Practices consist of tools and procedures that can help a community improve the effectiveness of

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<sup>2</sup> It should be noted that in some cases, such as those involving the state wetlands Notice of Intent applications, which are approved by the Conservation Commission, the municipal staff has no legal authority to determine if an application is complete, that decision rests with the Commission and the Department of Environmental Protection (DEP).

<sup>3</sup> Sign-off sheets are often forwarded to the "next department", but this is not done consistently.

its permitting process. To help highlight the strengths and weaknesses of the current permitting process in Dracut, the MARPA Best Practices are used whenever possible, as a basis for analyzing the current permitting system. The Best Practices mentioned are further listed and explained in Appendix A.

Discussions with Town staff who are involved in the permitting process revealed both positive and problematic aspects pertaining to the current permitting processes, which are outlined below.

### **POSITIVE ASPECTS IN THE CURRENT SYSTEM**

There are three distinct but interrelated segments of the permit approval process: the first segment begins when staff is approached initially on a project, the application is filed and the ultimate approval authority or authorities make a decision. The second segment covers the amount of time it takes for the release of bonds that have been posted after a decision has been made. The third segment involves those permits which are issued by an individual department, with or without input from other departments, such as the issuance of a burn permit by the Fire Department.

- The most positive aspect of the current system in Dracut appears to be the post-application submission meetings. This is consistent with MARPA's Best Practice Number 8, which recommends post-application submission meetings involving all stakeholders and reviewers related to the requested permit. These meetings foster communication among the staff and the applicant, and allow the applicant an opportunity to present his or her proposal and respond to questions. The meetings also serve to "educate" the applicant as to what will be expected at each step of the permitting process.
- MARPA's Best Practice Number 2 recommends the development of a user guide for the local permitting process. Some Dracut departments have written handouts and guides to help an applicant through the process. Two examples in Dracut are the Conservation Commission's handout entitled "What are Wetlands" and the Inspector of Buildings Table of Permitted Uses from the Town's zoning regulations.
- The staff computers are networked and this is a critical first step in implementing permit tracking and electronic filing protocol, as outlined in MARPA's Best Practices 22 and 23.

While not in the MARPA Guidelines, the following current practices in the town are considered positive:

- Some staff members will walk sign-off sheets from one department to the next, thus allowing the applicant to avoid repeated trips to Town Hall or the Town Hall Annex to obtain the sign-offs required for the issuance of a building permit.
- Over and above the post-application submittal staff meetings, all staff members indicated that the lines of communication among the staff, and the permitting commissions and boards are very good.
- Most staff members or departments, including the Fire Department, will meet individually with a potential permit applicant or representative prior to the submission of an application, to go over that department's jurisdiction, requirements and time-frames.

In almost all cases involving the land use approval bodies, and in all cases involving individual department issued permits, the 180-day decision making criteria used by the State as a benchmark, is being met, as shown on Table 1 on the following page. This fact was verified by every staff member interviewed.

### **PROBLEMATIC ASPECTS IN THE CURRENT SYSTEM**

As indicated and outlined in the previous section, there are three distinct segments of the permit approval process. Every staff member agreed that the biggest problem area in Dracut is in the "second" segment, after the approvals have been granted, but before the final bonds are released or Certificates of Occupancy have been granted. This finding is consistent with other communities in the region, all of which indicated there were problems with this phase of the permitting process.

Many of the problem areas, or weaknesses, in the Dracut permitting process are not directly addressed in a specific MARPA Best Practice Guide, but rather cut across many, if not most, of the Best Practices.

Table 1: Statutory and Local Permitting Timelines in Dracut

PERMIT MATRIX  Developed by NMCOG	Planning Board	Zoning Board of Appeals (ZBA)	Conservation Commission	Board of Selectmen	Board of Health	Dept. of Public Works (DPW)	Inspector of Buildings	Fire Department	STATUTORY	LOCAL
Variance		X							100 Days	Usually less than 60 days
Site Plan Special Permit	X			X <sup>4</sup>					65 days to hearing/90 days to decision	Usually less than 60 days
Special Permit	X	X		X <sup>4</sup>						
Certificate of Occupancy							X		N/A	Usually less than 30 days after approval
Building Permit							X		After all other permits are in place	30 days after permit sign-off is complete
Compliance Certification							X		N/A	N/A
Approval Not Required (ANR)	X								N/A	N/A
Preliminary Subdivision Plan	X								45 Days	Generally meeting Statutory requirement
Definitive Subdivision Plan	X								90 Days	
Notice of Intent (NOI)-Wetlands			X						21 days to hearing; 21 days to complete hearing; 21 days from hearing to decision	Meeting Statutory requirement
Request for Determination of Applicability (RDA) - Wetlands			X						21 Days	Meeting Statutory requirement
Comprehensive Permit		X							30 days to hearing/40 days to decision from opening of hearing	Meeting Statutory requirement
Smoke Detector/CO Permit								X	Varies	Usually 1 to 7days
Flammable Material/Liquid Storage								X	Varies	Usually 1 to 7 days
Street Opening Permit						X			N/A	N/A
Title 5 (Septic Permit)					X				Decision usually 45 days from filing	Usually less than 45 days
Sewer/Water Connection						X			N/A	1 to 7 Days
Demolition Permit							X		N/A	Usually less than 10 days
Sign Permit							X		N/A	1 to 7 Days
Earth Removal Permit				X					N/A	N/A
Operating Hours Extension Permit				X					N/A	N/A
Plumbing and Gas Permits							X		N/A	N/A

<sup>4</sup> The Board of Selectmen or the Planning Board shall be the special permit granting authorities as specified in the Zoning Bylaw and shall hear and decide applications for special permits including Site Plan Review Special Permits.

- There is considerable disagreement among the municipal staff as to who is the first point-of-contact for permitting information. Some believe it is the Inspector of Buildings, while others believe it is the Town Planner or the Town Engineer. The fact that the town staff does not agree on who is the appropriate office or person to start with, indicates that there is a communication and or coordination issue in the town. This is contradictory to MARPA Best Practice Number 1.
- Most staff members indicated that the permitting process would be better served if applicants were given clear information as to who to talk to and what is needed in order to get ALL approvals. An example was repeatedly given of an applicant who went through one board or commission, (e.g. the Planning Board) only to get to the building permit stage and find that another board or commission approval (e.g. Conservation) was required. This may be indicative of an internal communication breakdown and can be partially addressed by developing a written permitting guide on the department level, as well as a town level comprehensive guide addressing all permitting departments, boards and commissions.
- Another example of the communication issue, and a corollary of the above, is the fact that the approved plans from various regulatory boards and commissions are sometimes different. This is not discovered until an applicant is attempting to obtain the necessary department sign-offs. This results in the applicant facing the problem of deciding which board or commission is favorably disposed to altering its approval, and can be further exacerbated by the fact that there may be a number of plans in the land records causing confusion in the chain of title. The issue of "plan conflict" was raised as a problem area that can create delays in the approval process, and place the town staff in a position of having to review all plans, not just those approved by the boards and commissions to which they serve as technical advisors.
- A final example of the communication problem, but one that is endemic in almost all governmental organizations (local, state and federal level), is one of "language". Various departments use terminology that is unique and/or relevant to the department. For example, one department may reference Site Plan Review to an applicant, when in fact the town doesn't have Site Plan Review; only Site Plan Special Permits. This can add confusion to the permitting process for both the applicant and individual departments. Consideration should be given to addressing this situation, as outlined in MARPA Best Practice Number 8.

- Many staff members felt that some of the town's land use regulations, especially the zoning regulations, are confusing and need review and revision. This review would include an analysis of which department, board or commission grants specific approvals.
- Due to the location of permitting agencies in different buildings, a permit applicant must travel from one building to another in order to talk to various staff members, to file permit applications or to obtain a permit sign-off. Although the buildings are not located far apart, this situation makes it inconvenient for all parties. This issue was raised by many staff members. One example cited was if a permit applicant did not have a "Transmittal" sheet from the Inspector of Buildings when going to the Fire Department for permits, the Fire Department was precluded from acting on the permits, necessitating that the applicant return to the Town Hall Annex and then travel back to the Fire Department. Consideration should be given to addressing this situation, as outlined in MARPA Best Practice Number 10.
- Some municipal employees are serving as head of more than one department. For example, the Town Planner is also the Assistant Town Manager. This sometimes results in conflicts between the responsibilities germane to the respective positions.

## **RECOMMENDATIONS**

The following recommendations are being made to improve the effectiveness and efficiency of the land use permitting process. In no way are the recommendations intended to reflect negatively on individual members of the Town staff. It should be understood that the recommendations are based on meetings with the Town staff and the MARPA Best Practice Model, as outlined in Appendix A. Not all of MARPA's recommendations are applicable to Dracut, but they should be nevertheless reviewed for possible efficiencies that could be realized, even if adopted in part.

Each department is responsible for reviewing how the department operates in light of suggested recommendations, and ascertain if such changes should be instituted. The Town Manager should review any proposed changes to insure that permit efficiencies are being maintained, and that the changes do not have any unintended consequences. Budget considerations must also be taken into account.

1. A single point-of-contact should be designated and made known to all. This single point-of-contact is crucial to facilitating communications and an understanding of the permitting process to all applicants and to the town

staff. It is our recommendation that this single point-of-contact be the Assistant Town Manager/Town Planner. A secondary or back-up point-of-contact person should also be appointed to insure that there is always a staff member available to whom potential permit applicants can turn. See Best Practice Number 1 in Appendix A.

2. Each department should develop a written handout, in accordance with MARPA Best Practice Numbers 3, 4 and 5, that, outlines the following:
  - The department's jurisdiction and the statutory basis for the jurisdiction;
  - The various permit requirements, including timeframes, abutter notifications, required plans and fees;
  - A permit application checklist;
  - The department's office location, telephone and fax numbers, e-mail addresses, office hours and permit sign-off hours, if applicable; and
  - Any other information deemed necessary and unique to the department.

A sample template for this handout is found in Appendix B. The permit application checklists were developed by NMCOG and should be modified if necessary, for use by the Dracut Conservation Commission, as well as other boards and Commissions.

3. Permit tracking software should be researched. The Town of Grafton has developed an Access-based permitting tracking system that has been made available to all municipalities in Massachusetts. The permit tracking system is also commonly referred to as the Municipal Permit Tracking System (MPTS), and includes a User Manual. This software is particularly beneficial for industrial, commercial and large-scale residential projects. This software needs to be reviewed and upgraded, as necessary, for all departments involved in the permit review or issuance process. This would facilitate electronic "sign-offs" and eventual permit application submittals. It is critical that initial and refresher training be provided, adequate information technology support be supplied and all departments be networked. This may require the purchase of new hardware as well. See Best Practice Number 22 in Appendix A.
4. A standard "cover sheet" should be developed and attached to all approvals outlining "what happens next", so that the applicant is clear as to how to proceed through the next phase of the development or permitting process. See Best Practice Number 3 in Appendix A.
5. There should be a standard condition added to all approvals that indicates that the final plans, approved by all boards and commissions, must be

consistent. In addition, this requirement should be stressed by all departments to each applicant. See Best Practice Number 3 in Appendix A.

6. All abutter notification and legal notice requirements and procedures should be reviewed. Where there is no statutory mandate as to how and when these issues are handled, (e.g. MGL c.131 §40), the process and procedure should be made as consistent as possible among all boards and commissions. This can be a very confusing issue or process to the general public. See Best Practice Number 18 in Appendix A.
7. A general handout should be developed that can be provided to any potential applicant outlining how to proceed through the permitting process. This handout should be available at all town offices. A proposed template can be found in Appendices C and D, in accordance with Best Practice Number 2. The Special Permit and Site Plan Review Guide template found in Appendix D could accompany Town documents, such as the Special Permit application, to help further assist in the permitting process.
8. The town must make sure its website is maintained and up-to-date. Incorrect information can be fatal to the permit approval process. At the present time, there are a number of items on the website that appear to be inaccurate and need to be addressed. For example, the meeting location of the Planning Board is listed as the Junior High School, although the Board currently meets in Harmony Hall. The website should be compatible with any permit tracking software the Town elects to utilize. See Best Practice Number 21 in Appendix A.
9. Consideration should be given to establishing pre- and post-application submission meetings. Staff attendance at these pre and/or post-application submission staff meetings should be encouraged. Specific criteria should be developed as to when a staff meeting is required. All departments should be represented at the meeting, and a summary of the meeting should be generated and distributed. These consultation meetings promote better communication between municipal boards and the applicant without determining any substantive issue to be decided by the regulatory board. This is in keeping with MARPA Best Practice Numbers 2, 3, 4, 7 & 8.
10. The Town should consider utilizing a standardized bonding instrument agreed upon by all departments, boards and commissions. This instrument should be designed so that any board, commission or other authorized entity can call on the bond if necessary. The bond amount should be set by adding the amounts needed by each individual department, etc. and should allow for periodic reductions as the project nears completion. Should this amount be too high for a developer to obtain, smaller amounts in multiple

instruments are an option. This will simplify the process from the Town's perspective by requiring less paperwork and accounting and from the developer's point of view by requiring only one instrument from one institution.

11. Dracut staff should review the Permitting Guide, which can be used as a template, and have all department requirements and the permitting process combined into one document, creating a comprehensive permitting guide. In addition to the Permitting Guide, a Notice of Intent (NOI) Submission Checklist template was developed by NMCOG and should be modified as needed for the use by the Dracut Conservation Commission, as well as other boards and commissions. This is in keeping with MARPA Best practice Numbers 2, 3, and 4. This Permitting Guide should be available at all permitting offices in both the Town Hall and the Town Hall Annex.
12. The Town should investigate the feasibility of holding joint meetings when Planning Board, Conservation Commission, ZBA and/or Board of Health approvals are necessary. This is a difficult logistical issue, but beneficial in helping offset any communication issues. See MAPRA Best Practice Number 6 in Appendix A.
13. The permit granting boards and commissions should delegate approval authority, in as many areas as possible, to professional staff if possible, (e.g. the Conservation Agent) while retaining the right to review and appeal staff decisions. This would allow for administrative action on minor issues and would free up the boards and commissions to spend more time on the more substantive issues. Examples of such delegation include allowing the approval of final landscaping plans or final grading plans, or appointing a "zoning administrator" who can decide minor variances and appeals. Such delegation is permitted under the Massachusetts Administrative Procedures Act, but legal counsel review is recommended. This would be in keeping with Best Practice Number 17.
14. Concurrent permit applications should be encouraged whenever possible, bearing in mind any statutory requirements, such as those found in the Massachusetts Wetlands Protection Act, MGL c.131 §40. When reviewing applications simultaneously, it is very important that when one board or commission requires a change in a plan, that change is reflected on the plan that is presented to other boards and commissions. See Best Practice Number 6 in Appendix A.
15. All departments in Town Hall and the Town Hall Annex involved in the permitting process should standardize their hours of operation. This would

provide a systematic operating schedule and create less confusion to the general public.

16. Each department head and/or advisor to a permitting board and commission should have clear standards of responsibilities. See Best Practice Number 19 in Appendix A.
17. It is confusing to have the Town Planner's office in the Town Hall and have the sign "Planning" at the office of the Town Engineer.
18. The Town should actively pursue options to centralize all municipal departments. This may involve the construction of new town offices, rental of space, or renovation/expansion of existing space. MARPA's Best Practice Number 10 recommends that professional staff be located in as close proximity as possible, so as to facilitate the ability for a permit applicant to utilize "one stop shopping". It also allows the staff to better communicate and interact with one another on a daily basis. NMCOG recognizes that the town has considered constructing new Town Offices that would facilitate this recommendation.
19. The Town should review the "Municipal Self-Assessment Checklist" that has been produced by the Massachusetts Executive Office of Housing and Economic Development (EOHED) in order to determine which areas outlined in the Best Practices Model need to be addressed. This checklist, found in Appendix G, should be completed by the Town.

# APPENDIX A

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**Massachusetts Association  
of  
Regional Planning Agencies (MARPA)**

**Best Practices for Local Permitting  
of Land Use Projects**

## A BEST PRACTICES MODEL FOR STREAMLINED LOCAL PERMITTING



### MASSACHUSETTS ASSOCIATION OF REGIONAL PLANNING AGENCIES

NOVEMBER 2007

In November 2007, MARPA published *A Best Practices Model for Streamlined Local Permitting*, which outlined twenty-six (26), Best Practices (BPs) in four (4) broad categories that were designed to effectuate greater efficiencies in obtaining a permit from municipal government. Not all of the Best Practices are applicable to all communities or to the Town of Dracut. Of the twenty-six (26) BPs, only fourteen (14) apply to Dracut, which are cited in the Recommendations section and listed below:

- 1) Improving Communication with Permit Applicants (BPs: 1 thru 8 and 10);
- 2) Standardizing the Permitting Process (BPs: 17 and 18);
- 3) Resources for Improving Local Permitting Performance (BPs: 19, 21 and 22); and
- 4) Planning (BPs: No recommendations listed under category 4).

#### **BP Number 1: Single Point-of-Contact**

The single point-of-contact is responsible for coordinating the process for obtaining a permit or permits for an applicant. The point-of-contact person would be the first stop for any applicant entering the regulatory process and would be the liaison for helping resolve conflicts within the system. The single point-of-contact must be known to all and does not have any regulatory function.

#### **BP Number 2: User's Guide to Local Permitting**

This is a guide that would give a potential permit applicant the necessary contact information and permit process outline necessary to obtain any desired permits. There can be three different levels of guides: (1) A relatively short and quick reference outlining the process and providing contact information (See Appendix C); (2) A very detailed guide that gives all information for all departments, land use boards and commissions, information on state and federal regulations and land use statues and the complete permit approval process; and (3) A department level guide, giving information on a specific department (e.g. planning) and/or a specific land use board (e.g. the planning board), their processes, timeframes, requirements, contact information and permit costs (See Appendix B).

#### **BP Number 3: Permitting Flow Charts and Checklists**

Flow charts and checklists provide a graphic representation of the process and allow both the applicant and the various municipal departments and approval bodies to know exactly where in the process an application is and what remains to be done and in what order. Flow charts and checklists make the planning process transparent and are a valuable primer for applicants and new board and commission members with a limited

knowledge of the permitting procedures and processes. These also are very important in highlighting the statutory or By-law timelines to which an applicant and the approval authorities must adhere.

#### **BP Number 4: Clear Submittal Requirements**

Clear written guidelines on what is required by each approval authority benefits all parties in the process by making it exactly clear what is required and in what detail. This allows applicants, abutters, other parties of interest and the approval authorities to base decisions on the same material for similar applications. This helps insure that all applicants are treated equally based on the same information. Submittal requirements should also outline the timelines and fees for application submission and action.

#### **BP Number 5: Concurrent Applications**

By allowing an applicant requiring permits from more than one board, the option to submit concurrent applications can not only save review time, it can also encourage greater collaboration among municipal officials. However, some projects may not qualify for concurrent applications, such as those that require a denial from one board in order to apply for a variance before the Zoning Board of Appeals.

#### **BP Number 6: Combined Public Hearings**

Many land use applications require approval from more than one board or commission and each board or commission will concentrate on those issues that are under its jurisdiction. By combining the hearings of multiple decision-making bodies, a comprehensive review of a project as a whole is undertaken, not only by the decision-makers but also the public and review staff. The applicant is allowed to make one presentation and the public is allowed to comment on all aspects of a development. This permits a greatly reduced timeframe for action on any particular application.

#### **BP Number 7: Pre-Application Process**

This allows for a meeting among the entire review staff and a potential permit applicant and his or her experts before the submission of the permit application(s). This allows for coordination among all involved parties and gives the potential applicant insight into the process and what "will work" and what "will not work" with the decision-makers. This process greatly enhances the probability of an application being decided in less time and saves the applicant time and money. This process will only work if all involved municipal departments participate.

#### **BP Number 8: Project Technical Review Team**

This is the municipal review staff, representing all decision-makers that would be involved in BP Number 7 above and may include representatives of the land use decision-making boards and commissions. Once again, it is necessary that all representatives participate for the process to work effectively.

#### **BP Number 10: Physical Proximity of Professional Staff**

By having the review staff in the same building or in adjacent buildings, communication between and among staff members, permit applicants and the public in general is vastly improved and problems areas can be readily addressed and worked out.

**BP Number 17: Delegating Minor Decisions to Staff**

By delegating minor decisions to staff, the land use boards and commissions are allowed to focus on the overall development and its impacts on the community. In many cases the details are highly technical in nature and can be "worked out" among the technical experts. It is very important that the legal authority to delegate exists and that clear guidelines are enumerated so that all parties know what can and cannot be given to the staff and under what parameters the staff will make decisions. Examples of the types of things that may be able to be delegated are the approval of a final landscaping plan or the final grading plan.

**BP Number 18: Uniform Timelines, Notifications and Appeals**

Except where governed by statute (e.g. M.G.L. c.131 §40), communities are allowed to use uniform abutter notifications, applicants and appeal processes to increase understanding and effectiveness of the permitting process. This uniformity allows permits and the decision-making process to be more consistent and transparent. It also provides greater certainty in terms of the length of the decision-making process.

**BP Number 19: Adequate Staffing**

Having adequate staff is important to the smooth and timely functioning of the permit process. Lack of staff makes it more difficult to establish an effective and efficient permitting process that will attract commercial and industrial investment. Other options may include "staff-sharing" with other communities or the possibility for the town to contract with NMCOG for some professional services on an as needed basis. There is a budgetary consideration that needs to be balanced against the permitting efficiencies that will be realized.

**BP Number 21: Maximize the Municipal Website**

Municipal web sites are becoming more and more the first means of communication with town government and can be effectively used to convey contact information and permit application forms. It is critical that the website be maintained and up-to-date for it to be effective and the information to be accurate.

**BP Number 22: Electronic Permit Tracking Systems**

A permit tracking system is a tool that allows municipal departments to instantly know the status of any permit application and to highlight any problem areas along the way. The system will track the permit process from the submission of the application through the approval process; to the final release of bonds and the issuance of the certificate of occupancy.

# APPENDIX B

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**Department Handout Template**

**Conservation Department**

**Permit Summary  
&  
Submission Checklist (NOI)**

# TOWN OF DRACUT



## CONSERVATION DEPARTMENT PERMIT SUMMARY

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<b>CONTACT:</b>	LORI CAHILL, CONSERVATION AGENT
<b>LOCATION:</b>	The Conservation Department is located in the Dracut Town Hall Annex, 11 Spring Park Ave.
<b>OFFICE HOURS:</b>	Monday through Friday, 8:30AM – 4:30PM
<b>PERMIT SIGN-OFF:</b>	Monday through Friday, 8:30AM – 4:30PM
<b>PHONE:</b>	978-458-4478
<b>FACSIMILE:</b>	978-937-9885
<b>E-MAIL:</b>	conservationagent@Dracut-ma.us
<b>RESPONSIBILITY:</b>	<p>The major areas of responsibility of the department are:</p> <ul style="list-style-type: none"><li>➤ Administer and enforce the Mass. Wetlands Protection Act (M.G.L. c.131, Sec. 40) and its applicable Regulations (310 CMR 10.00)</li><li>➤ Administer and enforce the Dracut Wetlands Protection By-Law and Regulations</li><li>➤ Manage lands under the control of the Conservation Commission</li></ul>
<b>PERMIT APPLICATION:</b>	<p>Permit applications filed with the department include:</p> <ul style="list-style-type: none"><li>➤ Notice of Intent (state and local)</li><li>➤ Request for Determination of Applicability (state and local)</li><li>➤ Abbreviated Notice of Resource Area Delineation (state)</li><li>➤ Abbreviated Notice of Intent (state)</li><li>➤ Request for Resource Delineation Confirmation (local)</li><li>➤ Certificates of Compliance (state and local)</li></ul>
<b>PERMITTING AUTHORITY:</b>	Conservation Commission
<b>COST OF PERMIT:</b>	Varies with the type of permit application; state permit fees are set by the state and cannot be changed at the local level.
<b>APPROVAL TIME:</b>	Up to 63 days from submission of application to final decision (May be extended by applicant and the Commission.)
<b>MEETINGS:</b>	1 <sup>st</sup> and 3 <sup>rd</sup> Wednesday of each month in Harmony Hall, Lakeview Ave. at 7:00PM
<b>OTHER INFORMATION:</b>	<p>The Conservation Commission consists of seven (7) members appointed by the Board of Selectmen for three (3) year terms. Current members are:</p> <ul style="list-style-type: none"><li>• James Jendro, Chairman</li><li>• Steve Graham, Vice Chairman</li><li>• Tami Dristiliaris, Member</li><li>• John Hassan, Member</li><li>• Victor Olson, Member</li><li>• Paul Mercier Jr., Member</li></ul>



**TOWN OF DRACUT**  
**CONSERVATION COMMISSION**  
**Town Hall Annex**  
**11 Spring Park Avenue**  
**TEL. 978-458-4478 FAX. 978-937-9885**

**Notice of Intent**  
**Submission Checklist**

**Please Note:** The Applicant is responsible for the cost of the legal advertisement, which will be prepared and submitted to the Lowell Sun newspaper. Any applications that are missing the below mentioned information will not be placed on the hearing agenda for the upcoming meeting.

**FORMS**

- Two (2) copies of the Notice of Intent or Abbreviated Notice of Intent (1 original for the Commission, 1 for the Massachusetts DEP)
- Completed NOI Wetland Transmittal Form, Pages 1 & 2 (1 original for the Commission, 1 for the Massachusetts DEP)
- Fully completed and signed Wetlands Protection Act ("WPA") Form 3. A copy of this state form can be obtained online at [www.state.ma.us/dep](http://www.state.ma.us/dep) (1 original for the Commission, 1 for the Massachusetts DEP)

**MAPS**

- Two (2) copies of locus map attached to Notice of Intent (8.5" x 11") derived from a USGA quadrangle map that shows the project location.
- FEMA

**NARRATIVE**

- Description of work within regulated resource areas and buffer zones, and any impacts to these areas
- Description of the project's compliance with the Wetlands Protection Act (WPA) performance standards
- Proposed mitigation for unavoidable project impacts
- Square footage of work proposed in the buffer zone
- Description of wetland resource areas, date delineated, and name of wetland scientist that conducted the delineation

**PROJECT PLANS**

- Two (2) copies of engineered plans meeting submittal requirements as stated in the Wetlands Protection By-Law.
- All plans should provide the following information. This is not a complete list and the Applicant should contact the Town Planner prior to any application submittals.

<input type="checkbox"/> Plans must be to scale (not more than 1"=50")	<input type="checkbox"/> Identifying Plan #s
<input type="checkbox"/> Plans must be dated, stamped and signed (engineer, land surveyor and/or wetland scientist)	<input type="checkbox"/> Show resource area delineation with flag numbers
<input type="checkbox"/> Show 50' (Dracut), 100' and 200' (State) buffer zones	<input type="checkbox"/> Clearly state distances to resource areas and buffers
<input type="checkbox"/> Pre and post construction grades	<input type="checkbox"/> Proposed erosion and sedimentation control measures
<input type="checkbox"/> Alternatives analysis consistent with project	<input type="checkbox"/> Proposed structures are clearly shown
<input type="checkbox"/> Existing structures are clearly depicted	<input type="checkbox"/> Existing natural features such as walls, trees, etc.
<input type="checkbox"/> Documentation of Title 5 Compliance	<input type="checkbox"/> Location of nearby wells and septic systems
<input type="checkbox"/> Phase II Stormwater Controls (if applicable)	<input type="checkbox"/> Drainage calculations (if applicable)
<input type="checkbox"/> Restoration and mitigation (if applicable)	<input type="checkbox"/> Signature by Board of Health Representative

## FEES

- Check payable to the Town of Dracut (Check fee schedule)
- Mail **State** share of the filing fee as calculated on Wetland Fee Transmittal Form to DEP, Box 4062, Boston, MA 02211. (payable to the Commonwealth)
- Mail one copy of application and all accompanying plans, along with the copy of your **State** filing fee to DEP Northeast Regional Office, 205B Lowell Street, Wilmington, MA 01887
- A check for \$130.00 made out to the Lowell Sun for legal notice.

## ABUTTERS LIST

- Two (2) copies of a **certified abutters list** (including the original) within 100 feet of the property line. This must be obtained from the Assessor's Office. (1 copy for the Commission, 1 copy for DEP)
- Evidence of abutter notification: Notification can be either via certificate of mailing or certified mail. The post office provides a date-stamped receipt ("certificate") for each letter mailed. This certificate, or return receipt green cards, or copies of green cards, must be submitted before or at the hearing. If any mailings are returned, bring the entire envelope (or a copy) indicating, by postal service stamp, the reason for return.

*\*\*All NOI applications must be in accordance with the Massachusetts Wetland Protection Act (M.G.L. Chapter 131, Section 40), Dracut's Wetlands Protection Bylaw and 310 CMR 10.00.*

# APPENDIX C

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**Land Use Development**

**And**

**Permitting Guide**

# TOWN OF DRACUT



## LAND USE DEVELOPMENT

AND

## PERMITTING GUIDE

**Dracut Town Hall  
62 Arlington Street  
Dracut, MA 01826**

**Town Hall Annex  
11 Spring Park Avenue  
Dracut, MA 01826**

**Town Hall Hours  
8:30AM – 4:30PM  
Monday - Friday**

**[www.dracut-ma.us](http://www.dracut-ma.us)**

## **OVERVIEW**

This guide is designed to provide a short introduction to the procedures for permitting land development, and obtaining other necessary permits, in the Town of Dracut. These activities are governed by provisions of Massachusetts General Laws (M.G.L.) and relevant regulations (CMR), as well as the Town's Zoning By-Law, Subdivision Regulations and Wetlands By-Law and other Town By-Laws and regulations, which may apply to a particular project.

The rules and regulations have been instituted to protect Dracut's environmental assets, and designed to ensure the preservation of the Town's special character, and to protect the health, safety and quality of life of its residents.

All land in Dracut carries a zoning district designation, which determines the land's permissible uses. The table in section 2.11.30 of the Zoning By-Law ("Table of Permitted Uses") specifies whether a use is a permitted or prohibited use, or requires Special Permit or Site Plan Special Permit. All substantial construction requires an appropriate permit from the Inspector of Buildings.

The following sections outline the steps and the time periods involved in permitting. The Town staff and boards charged with the enforcement of local By-Laws and with granting the required construction and development permits will make every effort to respond to the interests of applicants by expediting the process whenever possible.

The applicant is responsible for filing applications; however, Town staff will assist the applicant through the permitting process. Since some projects require multiple permits and/or reviews, it is helpful to consult with the staff early in the planning process.

**The information contained in this guide, is not a substitute for the detailed information contained in the individual by-laws which, should be consulted prior to the submission of any permit application. In addition, this guide addresses local approvals and procedures only. Many land use developments also require state and federal permits.**

## **1. WHERE TO START**

Most land use/construction projects require permits, often from multiple boards, commissions at different levels of government. The more information generated in the planning stage, the easier it will be to understand the process and costs involved in meeting the local, state and federal requirements, thereby increasing the probability of a successful outcome.

As soon as the decision is made to undertake a project, and the parameters of the project have been formulated (e.g. size, location), an appointment should be made with the Town Planner to determine what will be needed, the time frames involved, the approximate permit fees and other pertinent information that will help maximize the likelihood of a successful outcome. Appointments should then be made with other staff members involved in the review and processing of application(s). It is important to remember that each department has a clearly defined area of statutory responsibility and is the best source of definitive information within its area of expertise. **Understanding the project approval process will improve the applicant's chances of an efficient and successful outcome.**

## **2. TYPES OF PERMITS AND APPROVAL TIME FRAMES**

(Note: not all permits are listed)

The following list of permits represents the more common land use and construction permits. The listed timeframes are approximate and many are based on state law and cannot be altered by a local board or commission. Once again, it is important to consult with the individual department charged with the administration of the law governing the permit.

<b><u>PERMIT</u></b>	<b><u>APPROVAL TIME</u></b>	<b><u>APPROVAL AUTHORITY</u></b>
Subdivision	Up to 4 months	Planning Board
Variance (Zoning)	Up to 30 days	Zoning Board of Appeals
Special Permit	Up to 155 days	Special Permitting Granting Authority <sup>1</sup>
Wetlands <sup>2</sup>	Up to 42 days	Conservation Commission
Board of Health	Up to 45 days	Board of Health
Sewer/Water Connection	Up to 7 days	Kenwood Water Co./Sewer Commission
Site Plan Special Permit	Up to 145 days	Planning Board
Comprehensive Permit	Up to 70 days	Zoning Board of Appeals
Building Permit	Up to 30 days	Inspector of Buildings
Fuel Storage Permit	Up to 5 days	Fire Department
Smoke Detector/CO Permits	Up to 5 days	Fire Department
Street Opening Permit	Up to 7 days	DPW

Many permit applications must go through a public meeting and/or public hearing and there are very strict regulations and laws concerning notifications. Any final decision may be appealed to Superior Court in accordance with the provisions of c. 40A of the Massachusetts General Laws (M.G.L.).

<sup>1</sup> The Special Permit Granting Authority varies with the type of special permit.

<sup>2</sup> As per MGL c 131 §40, if a project requires approval from boards and commission other than the Conservation Commission, applications to those boards and commissions must be made prior to or concurrently with the application to the Conservation Commission. Significant time may be saved if the permit for the local wetlands permit is filed concurrently with the state wetlands permit, both of which are administered and approved by the local Conservation Commission.

### **3. TOWN STAFF AND DEPARTMENTS**

The following departments are located in the Town Hall at 62 Arlington Street and the Town Hall Annex at 11 Spring Park Avenue unless otherwise noted:

#### **ASSISTANT TOWN MANAGER/TOWN PLANNER**

**Glen Edwards**

**Location:** The Assistant Town Manager/Town Planner is located on the second floor of Town Hall, 62 Arlington Street. Telephone: 978-453-4557; Facsimile: 978-452-7924; [atm-planner@dracut-ma.us](mailto:atm-planner@dracut-ma.us)

**Hours:** Monday through Friday, 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m.

**Functions:** As the Town Planner, who is the first point-of-contact, reviews and makes recommendations on development proposals to the Planning Board, as well as other boards and commissions as necessary. The Town Planner also assists landowners and developers with the development process, participates in long-range planning, and in the development of the Town's Zoning By-Law amendments.

#### **CONSERVATION DEPARTMENT**

**Lori Cahill, Conservation Agent**

**Location:** The Conservation Administrator is located in the Conservation Department in the Town Hall Annex, 11 Spring Park Avenue. Telephone: 978-458-4478; Facsimile: 978-937-9885; [conservation@dracut-ma.us](mailto:conservation@dracut-ma.us)

**Hours:** Monday through Friday, 8:30 a.m. to 4:30 p.m.

**Functions:** The Conservation Agent is the technical advisor to the Conservation Commission and also advises members of the public and municipal staff and boards on the Massachusetts Wetlands Protection Act and the Town of Dracut's Wetlands Protection By-Law. The Conservation Agent can also provide information and instructions for landowners and developers on necessary permits pertaining to wetland resource areas required from the Conservation Commission.

#### **BUILDING DEPARTMENT**

**Dan McLaughlin, Inspector of Buildings**

**Location:** The Inspector of Buildings is located in the Building Department in the Town Hall Annex, 11 Spring Park Avenue. Telephone: 978-454-0603; Facsimile: 978-937-9885; [buildingdept@dracut-ma.us](mailto:buildingdept@dracut-ma.us)

**Hours:** Monday through Friday, 8:30 a.m. to 4:30 p.m.

**Functions:** The Inspector of Buildings is responsible for the protection of the health, safety and welfare of the residents through the enforcement of State and local laws, by-laws and regulations. This department issues permits for all types of construction, including all public and private buildings. The department also issue permits for additions and alterations of buildings, installation of pools, sheds, garages and other such improvements to properties. The Inspector of Buildings is also required to perform periodic inspections for those businesses and buildings that receive a Certificate of Inspection. The Plumbing and Electrical Inspectors also work out of this department. The Inspector of Buildings functions as the Zoning Enforcement Officer and the contact for the Zoning Board of Appeals.

**HEALTH DEPARTMENT****Tom Bomil, Director of Public Health**

**Location:** The Director of Public Health is located in the Health Department in the Town Hall Annex, 11 Spring Park Avenue. Telephone: 978-453-8162; Facsimile: 978-937-9885; [boardofhealth@dracut-ma.us](mailto:boardofhealth@dracut-ma.us)

**Hours:** Monday through Friday, 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m.

**Functions:** The Board of Health enforces state and local health and environmental codes, and provides input to other land use boards, e.g. Planning Board for subdivisions. The Health Department conducts various health screenings and immunization programs, communicable disease surveillance and reporting, and provides community education. The Health Department checks on adherence to sanitary regulations at establishments selling food and drink, investigates complaints, and responds to public health emergencies. The Department inspects all installations of private sewage disposal systems. The Department also works on beaver and mosquito control in the town.

**ENGINEERING DEPARTMENT****Mark Hamel, P.E., Town Engineer**

**Location:** The Town Engineer is located in the Engineering Department in the Town Hall Annex, 11 Spring Park Avenue. Telephone: 978-454-2594; Facsimile: 978-937-9885; [engineering@dracut-ma.us](mailto:engineering@dracut-ma.us)

**Hours:** Monday through Friday, 8:30 a.m. to 4:30 p.m.

**Functions:** The Engineering Department performs numerous functions to support the upkeep of the town's public grounds and public ways. These functions include: Plan Reviews, Inspection Services, Planning Board Reviews, Surveying Design, and Specification Preparation.

**ASSESSORS DEPARTMENT****Kathleen Roark, Town Assessor**

**Location:** The Town Assessor is located on the first floor of Town Hall, 62 Arlington Street. Telephone: 978-453-2451; Facsimile: 978-452-7924; [assessor@dracut-ma.us](mailto:assessor@dracut-ma.us)

**Hours:** Monday through Friday, 8:30 a.m. to 4:30 p.m.

**Functions:** The Assessor's Office maintains up-to-date property records (residential, commercial and industrial), including owner information, and is where a certified abutter list can be obtained. The Assessor issues and approves abatement and exemption applications. Copies of assessor and reference maps, subdivision and recorded plan, and most deeds can be obtained at the Assessor's Office

**SEWER DEPARTMENT****John Turpin, Superintendent**

**Location:** The Sewer Department is located at 1196 Lakeview Avenue. Telephone: 978-957-0371 or 9358; Facsimile: 978-957-9308; [sewerdept@dracut-ma.us](mailto:sewerdept@dracut-ma.us)

**Hours:** Monday through Friday, 8:30 a.m. to 4:30 p.m.

**Functions:** The Sewer Commission and Superintendent has charge of the day-to-day operations of the Town's sewer system and also advises members of the public and municipal

staff and boards on issues involving the system. The Sewer Commission issues connection permits and monitors inflow and infiltration of stormwater into the waste water sewer system.

## **DEPARTMENT OF PUBLIC WORKS (DPW)**

**Michael R. Buxton, Director**

**Location:** The DPW is located at 833 Hildreth Street. Telephone: 978-957-0411; Facsimile: 978-957-9313; [dpw@dracut-ma.us](mailto:dpw@dracut-ma.us)

**Hours:** Monday through Friday, 7:00 a.m. to 3:30 p.m.

**Functions:** The DPW is performs numerous functions to support the upkeep of the town's public grounds and public ways. These functions include: salting, snow plowing, sanding, catch basin cleaning, stormwater management, tree and park maintenance, street construction, paving and public grounds. Street opening permits are issued through the DPW.

## **TOWN CLERK**

**Kathleen M. Graham, Town Clerk**

**Location:** The Town Clerk is located in the Town Hall, 62 Arlington Street. Telephone: 978-453-0951; Facsimile: 978-452-7924; [townclerk@dracut-ma.us](mailto:townclerk@dracut-ma.us)

**Hours:** Monday through Friday, 8:30 a.m. to 4:30 p.m.

**Functions:** The Town Clerk is the legal filing location for certain permit applications such as those for the Zoning Board of Appeals and is the central location for information on the meeting times and locations for all boards and commissions. All Town boards must post their scheduled meetings at least 48 hours prior to the meeting with the Town Clerk's Office. This is required under the "State's Open Meeting Law". The "Official Posting Board" is located within the Town Hall Building. The Town Clerk also provides services for the following items: elections, voter registration, town meeting information, census data, vital records (birth/death/marriage), marriage licenses, business certificates, dog licenses and fishing/hunting licenses.

## **4. BOARDS AND COMMISSIONS**

### **BOARD OF SELECTMEN**

**Meeting Schedule:** Second and Fourth Tuesday of each month in the Parker Library Community Room at 7:00 p.m., unless otherwise noted.

**Jurisdiction:** Approves some special permits and is the Town's licensing authority for many uses.

**Contact:** Dennis E. Piendak, Town Manager. Telephone: 978-452-1227; Facsimile: 978-452-7924

### **CONSERVATION COMMISSION**

**Meeting Schedule:** First and Third Wednesday of each month in Harmony Hall, 1660 Lakeview Avenue at 7:15 p.m., unless otherwise noted.

**Jurisdiction:** Approves and administers permits for activities in wetlands and associated buffer areas as defined in the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, §40) and the Town of Dracut Wetlands Protection By-Law. Any construction or alteration of land (e.g. any temporary or permanent structures, additions, driveways, filling and grading) within two hundred (200) feet of any river or stream and one hundred (100) feet from resource areas will require a permit from the Conservation Commission. The Conservation Agent can provide written instructions and forms for filing a Request for Determination of Applicability (i.e., whether the wetland protection bylaw will apply to your proposed project) or a Notice of Intent to perform work affecting wetlands.

**Contact:** Lori Cahill, Conservation Agent. Telephone: 978-458-4478; Facsimile: 978-937-9885

## **PLANNING BOARD**

**Meeting Schedule:** Second and Fourth Tuesday of each month in Harmony Hall, 1660 Lakeview Avenue at 7:00 p.m., unless otherwise noted.

**Jurisdiction:** Approves all subdivisions, Approval Not Required (ANR) proposals, site plans and special permits for which it is the special permit granting authority (SPGA).

**Contact:** Glen Edwards, Assistant Town Manager/Town Planner. Telephone: 978-454-2594 or 453-4557; Facsimile: 978-452-7924; [planningboard@dracut-ma.us](mailto:planningboard@dracut-ma.us)

## **ZONING BOARD OF APPEALS**

**Meeting Schedule:** Third Thursday of each month in Harmony Hall, 1660 Lakeview Avenue at 7:00 p.m., unless otherwise noted.

**Jurisdiction:** Hears and decides all appeals from the Zoning Enforcement Officer, applications for special permits when designated as the SPGA, all comprehensive permit applications and all requests for variances from the zoning regulations.

**Contact:** Dan McLaughlin, Inspector of Buildings. Telephone: 978-454-0603; Facsimile: 978-937-9885; [boardofappeals@dracut-ma.us](mailto:boardofappeals@dracut-ma.us)

## **BOARD OF HEALTH**

**Meeting Schedule:** Usually Third or Fourth Thursday of each month at the Dracut Firehouse, 488 Pleasant Street at 5:00 p.m., unless otherwise noted.

**Jurisdiction:** Enforcement of the State Public Health Code, State Sanitary Code and State and Local Environmental Code promoting and developing disease prevention and health awareness programs, (including septic systems), and inspecting and licensing food and drink establishments.

**Contact:** Tom Bomil, Director of Public Health. Telephone: 978-453-8162; Facsimile: 978-937-9885

## **5. OTHER DEPARTMENTS AND COMMISSIONS NOT LISTED ABOVE**

### **❖ TOWN MANAGER**

Dennis Piendak. Town Hall, 62 Arlington Street. Telephone: 978-452-1227; Facsimile: 978-452-7924; [townmanager@dracut-ma.us](mailto:townmanager@dracut-ma.us)

**❖COMMUNITY PRESERVATION COMMITTEE (CPA)**

John Hassan, Chairman. Town Hall, 62 Arlington Street. Telephone: 978-453-4557; Facsimile: 978-452-7924; [atm-planner@dracut-ma.us](mailto:atm-planner@dracut-ma.us)

**❖DRACUT WATER SUPPLY DISTRICT**

Gary McCarthy, Executive Director/Superintendent. 59 Hopkins Street. Telephone: 978-957-0441; [dracutwater.com](http://dracutwater.com)

**❖KENWOOD WATER SUPPLY DISTRICT**

Kathleen Graham, Town Clerk. Town Hall, 62 Arlington Street. Telephone: 978-453-1380 or 866-486-1008 (Toll Free); Emergency: 978-835-7526; Facsimile: 978-452-7924  
[kenwoodeater@dracut-ma.us](mailto:kenwoodeater@dracut-ma.us)

**❖FIRE DEPARTMENT**

Leo Gaudette, Fire Chief or Millie Talty, Administrative Assistant. 488 Pleasant Street. Non-emergency Telephone: 978-454-2113, (concerned with fire safety codes); [dfd@dracutfire.com](mailto:dfd@dracutfire.com)

**❖POLICE DEPARTMENT**

Kevin M. Richardson, Chief of Police. 110 Loon Hill Road. Non-emergency Telephone: 978-957-2123; [info@dracutpolice.com](mailto:info@dracutpolice.com)

# APPENDIX D

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**Special Permit**

**And**

**Site Plan Review Guide**

**Template**

# TOWN OF DRACUT, MASSACHUSETTS



## SPECIAL PERMIT AND SITE PLAN REVIEW GUIDE TEMPLATE

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The Town of Dracut's Zoning By-Law specifies which particular development activities in certain zoning districts require a Special Permit from the Planning Board and Board of Selectmen prior to construction. From time-to-time, the Zoning Board of Appeals reviews Special Permit applications (e.g. variances for nonconforming uses, etc). The following uses listed below require a Special Permit, and in some cases, also require Special Permit Site Plan Review, as outlined in Section 2.11.30 of the Zoning By-Law. This guide was designed to assist municipal officials and permit applicants on which specific uses require a Special Permit and Special Permit Site Plan Review.

### Codes

**SS** = Special Permit – Board of Selectmen

**SPB** = Special Permit – Planning Board

**SS-R** = Special Permit – Board of Selectmen which requires Site Plan Review

**SPB-R** = Special Permit – Planning Board which requires Site Plan Review

### Zoning Districts

**R-1** - Residential 1

**R-2** - Residential 2

**R-3** - Residential 3

**B-1** – Business 1

**B-2** – Business 2

**B-3** – Business 3

**B-4** – Business 4

**B-5** - Business 5

**I-1** – Industrial 1

**I-2** – Industrial 2

### General Uses Requiring Special Permits

1. Earth Removal<sup>1</sup> (I-1 and I-2) – **SS**
  - See Section 3.12.00, Soil, Vegetation, Rock and Gravel Removal

### Residential Uses Requiring Special Permits

1. Two-Family Dwelling<sup>2</sup> (R-3 and B-1) – **SPB**
2. Multi-Family (R-3)<sup>3</sup> - **SPB**

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<sup>1</sup> See Section 3.12.00, Soil, Vegetation, Rock and Gravel Removal in the Zoning By-Law.

<sup>2</sup> Requires 1.5 X Base Lot Area of the R-3 Zone

**Governmental, Institutional and Public Service Uses Requiring Special Permits**

1. Educational (R-1, R-2, R-3 and B-1) – **SS**
2. Nursing Home (R-3 and B-1) - **SPB**
3. Public or Private Utility Facilities (I-1 and I-2) – **SS-R**
4. Hospitals (B-1, B-2, B-3, B-4 and B-5) - **SS**
5. Correctional Facilities (I-1 and I-2) - **SS**

**Business Service Uses Requiring Special Permits<sup>4</sup>**

1. Retail Store Less Than 5,000 Gross Sq. Ft. (I-1) – **SPB-R**
2. Retail Store More Than 5,000 Gross Sq. Ft. (B-3, B-4 and B-5) – **SPB-R**
3. Professional Offices (B-1) – **SPB-R**
4. Financial Services (B-1) – **SPB-R**
5. Restaurant (B-1, B-2 and I-1) – **SPB-R**
6. Restaurant-Fast Food (B-3, B-5 and I-1) – **SS-R**
7. Hotel, Inn or Motel (I-1) – **SS-R**
8. Combined Business and Dwelling (B-1, B-3 and B-5) – **SPB-R**
9. Lodge or Club (R-1, R-2, R-3, B-1 and B-2) – **SS-R**
10. Redemption Center <5,000 G.S.F. (B-3, B-4, I-1 and I-2) – **SPB**
11. Redemption Center >5,000 G.S.F. (B-3, B-4, I-1 and I-2) – **SPB-R**
12. Funeral Home (R-3 and B-2) – **SS-R**
13. Commercial Kennel (B-4, I-1 and I-2) – **SS and SS-R**
14. Personal Services (B-1 and I-1) - **SPB**
15. General Services (B-2) - **SPB**
16. Studio (B-1) - **SPB**
17. Lounge or Pub (B-3, B-4 and B-5) – **SS-R**
18. Commercial Recreation (B-3, B-4, B-5 and I-1) – **SS-R**

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<sup>3</sup> See Section 4.12.00 Special Permits – Multi-family Development in the Zoning By-Law.

<sup>4</sup> See Section 4.10.00 – Special Permits – Major Business Use in the Zoning By-Law.

19. Commercial and Trade School (B-3), B-5 and I-1 – **SS-R**
20. Amusement Facility Indoor (B-3, B-4 and B-5) – **SS and SS-R**
21. Amusement Facility Outdoor (B-3, B-4 and B-5) – **SS and SS-R**
22. Motor Vehicle Service Station (B-1, B-3, B-4, B-5, I-1 and I-2) – **SS-R**
23. Car Wash (B-3, B-4 and B-5) – **SS-R**
24. Motor Vehicle Repair or Body Shop (B-3, B-4 and B-5) – **SS**
25. Light Vehicle Sales (B-3, B-4 and B-5) – **SS and SS-R**
26. Vehicle Equipment Sales (B-3, B-5 and I-1) - **SS**
27. Parking Facility (B-3, B-4 and B-5) – **SS-R**
28. Commercial Breeding Facility (I-1) – **SS-R**
29. Zoo (B-3, B-4, B-5 and I-1) – **SS-R**
30. Commercial Broadcast Facility - Excluding Studio (B-3, B-4, B-5 and I-1) – **SS-R**
31. Airport-Fixed Wing (I-1 and I-2) – **SPB-R**
32. Aircraft Heliport (B-3, B-4, B-5, I-1 and I-2) – **SPB-R**
33. Rifle Range – Outdoor (I-1 and I-2) – **SS-R**
34. Zoo (B-3, B-4 and I-1) – **SS**
35. Boarding Houses (R-3)<sup>5</sup> - **SPB**
36. Day Care Facility (R-1, R-2, R-3, B-1, B-2, B-3 and B-5) - **SS**
37. Body Art Establishment<sup>6</sup> (B-3, B-4 and B-5) - **SS**

**Industrial Uses Requiring Special Permits<sup>7</sup>**

1. Warehouse (I-1) – **SPB-R**
2. Research/Office Park (I-1 and I-2) – **SPB-R**
3. Mini-Warehouse (B-3, B-4, B-5, I-1 and I-2) – **SPB-R**
4. Construction Yard (I-1 and I-2) – **SPB-R**
5. Lumber Yard (B-3, B-4, B-5, I-1 and I-2) – **SPB-R**

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<sup>5</sup> See Section 4.12.00 – Special Permits – Multi-Family Development in the Zoning By-Law.

<sup>6</sup> Not within 500 ft. of zones R1, R2, R3 or within 500 ft. of a public or private school.

<sup>7</sup> See Section 4.10.00 – Special Permits – Major Business Use

6. Heating Fuel Sales and Service (B-3, I-1 and I-2) – **SPB-R**
7. Heavy Manufacturing (I-2) – **SPB-R**
8. Heavy Vehicle Sales (B-3, B-4, B-5, I-1 and I-2) – **SS-R**
9. Heavy Vehicle Repair (I-1) – **SS-R**
10. Waste Treatment (I-2) – **SS-R**
11. Waste Transfer Facility (I-1 and I-2) – **SS-R**
12. Waste Recovery (I-2) – **SS-R**
13. Slaughter House & Similar (I-2) – **SS-R**
14. Telecommunications Facility (I-1 and I-2) – **SS-R**<sup>8</sup>

**Other Uses Requiring Special Permits**

1. Biological Research (I-1 and I-2) – **SS-R**
2. Adult Entertainment Establishments (B-5) – **SS-R**
3. Fairs, Carnivals, Etc. <sup>9</sup> (B-3, B-4, B-5, I-1 and I-2) – **SS-R**<sup>10</sup>
4. Storage (I-2) – **SS-R**
5. Containerized Temp. Storage (R-1, R-2, R-3, B-1, B-2, B-3, B-4, B-5, I-1 and I-2) – **SS**
6. In-Law Suites (R-1, R-2, B-1, B-2, B-3<sup>11</sup>, B-4, B-5, I-1 and I-2) – **SPB**

**Special Regulations**

**Residential Golf Course Planned Development Special Permits**

Residential Golf Course Planned Developments (RGCPD) are permitted by a Special Permit from the Board of Selectmen (SPGA). A RGCPD is a tract of land which is developed as a planned golf course and single-family detached development on a tract of land which is in total at least 175 acres, which may not meet the zoning requirements of the Residential 1 and 2 Districts. The Residential portion of the Development is to be governed by MGL Chapter 41, Section 81K through 81gg, commonly known as "Subdivision Control Laws". All applicants are required to submit a Special Permit application pursuant to Section 4.15.6 of the Zoning By-Law and shall also comply with Section 1.16.20 concerning the preparation, submission and review of a site plan.

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<sup>8</sup> Or in an existing church steeple approved by the Board of Selectmen

<sup>9</sup> See Section 4.13.00 – Special Permits – Fairs, Carnivals, Etc. in the Zoning By-Law.

<sup>10</sup> Not allowed in these Zones except when approved by the Board of Selectmen

<sup>11</sup> Permitted use shall be exclusively for those pre-existing non-conforming Residential units in said zones

**Major Business Complex Special Permits**

Any premises having more than 10,000 sq. ft. gross floor area used as retail stores or services (including motor vehicle), restaurant, fast food establishment, bank, finance agency, or indoor or outdoor commercial recreation shall be considered a Major Business Complex as per Section 4.10.00 of the Zoning By-Law. Construction or change of use resulting in such a complex is allowable only if granted a Special Permit by the SPGA. The SPGA shall be as designated for the particular use in Section 2.11.30 of the Zoning By-Law or the Planning Board is the principal use does not require a special permit.

**Major Industrial Complex Special Permits**

Any premises having more than 50,000 sq. ft. gross floor area used as industrial manufacturing or other uses as shown as encompassing industrial uses including research/office parks as per Section 2.11.30 (Table of Permitted Uses) of the Zoning By-Law and further defined in Section 2.11.45 (Industrial Uses) shall be considered a Major Industrial Complex. Construction or change of use resulting in such a complex is allowable only if granted a Special Permit by the SPGA. The SPGA shall be as designated for the particular use in Section 2.11.30 of the Zoning By-Law or the Planning Board is the principal use does not require a special.

**Open Space Residential Development Special Permits**

Open Space Residential Developments are permitted upon a parcel of land having a minimum of five (5) acres in the Residential 1 (R-1) District and ten (10) acres in the Residential 2 (R2) District. All applicants are required to submit a Special Permit application pursuant to Section 4.14.40 of the Zoning By-Law and are required to submit appropriate materials as per the regulations adopted by the Planning Board. The Planning Board will act as the Special Permit Granting Authority (SPGA). See Section 4.14.00 of the Zoning By-Law for further information pertaining to Open Space Residential Developments.

**Fairs, Carnivals and Similar Events Special Permits**

All fairs, carnivals and other similar events to be held in the Town of Dracut shall require a special permit by the Board of Selectmen (SPGA). Any fairs, carnivals, and other similar events shall continue no longer than one (1) week at any one time and not more than two (2) such events shall be authorized within any twelve (12) months for any one sponsor. All events shall be a religious, charitable, social or public organization. See Section 4.13.00 of the Zoning By-Law for further information.

**Multi-Family Special Permits**

Multi-family developments are permitted by a Special Permit and Site Plan Approval from the Planning Board (SPGA). Multi-family developments are designed to provide for the occupation and habitation of three (3) or more families by virtue of separate and complete living quarters containing kitchen and bathroom facilities, and sleeping quarters. These developments are designed to promote and provided a greater variety and choice in housing types. See Section 4.12.00 of the Zoning By-Law for further information.

**Findings**

Special permits shall be granted by the Special Permit Granting Authority, only upon its written determination that the benefit to the town and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in the Zoning By-Law, it shall find that the proposed use:

1. is in harmony with the purpose and intent of the Zoning By-Laws;
2. will not be detrimental or injurious to the neighborhood in which it is to take place;
3. is appropriate for the site question; and
4. complies with all applicable requirements of the Zoning By-Laws.

# APPENDIX E

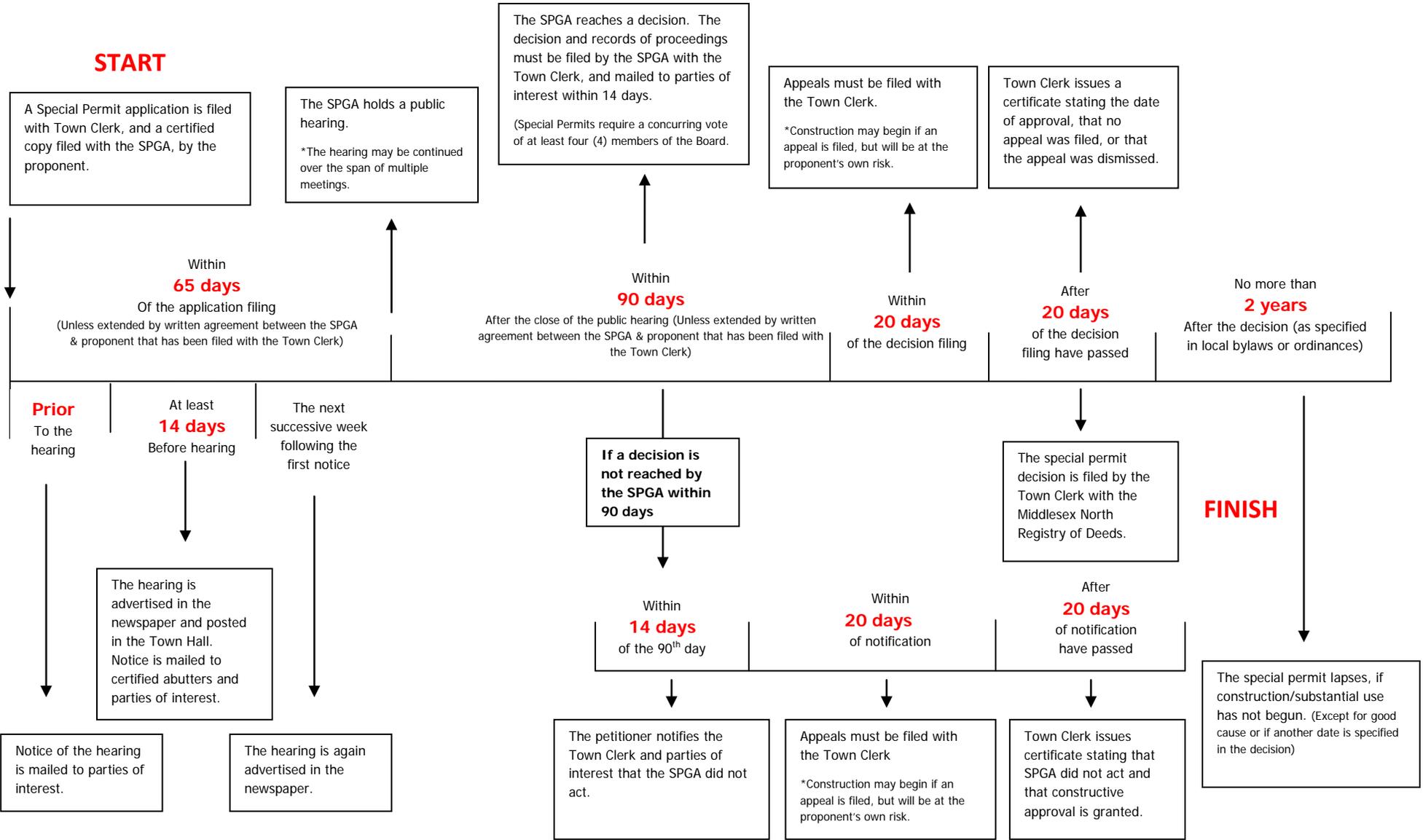
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## Special Permit Flow Chart

### Template

# SPECIAL PERMIT FLOW CHART

**START**



- Building Permit applications are available at the Building Department in the Town Hall Annex or <http://www.buildingdept@dracut-ma.us>
- **Planning Board, Board of Selectmen and ZBA act as the SPGA for all Special Permit applications**
- Planning Board and Board of Selectmen meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month
- Zoning Board of Appeals meets the 3<sup>rd</sup> of each month, unless otherwise noted
- Building Department: 978-454-0603; Facsimile: 978-937-9885

# APPENDIX F

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**Federal and State Permits**

**and/or**

**Approvals**

## **FEDERAL AND STATE PERMITS AND/OR APPROVALS**

The following list of federal and state permits was developed in conjunction with the Land Use Development and Permitting Guide. The majority of small development projects will not need federal or state permits or approvals, but projects of significant size and complexity may require one or more of the following permits:

### **FEDERAL PERMITS**

1. **Clean Water Act, Section 404 Permit** required for a project involving the discharge of dredged or fill material into waters of the United States (including federally defined wetlands). The permit is issued by the Army Corps of Engineers, and may be a programmatic general permit, an individual permit or an official letter of permission.
2. **Clean Air Permits or Approvals** may be required directly from the Environmental Protection Agency (EPA) for certain emissions and hazardous air pollutants from new sources of regulated air pollutants; most of the federal requirements, however, are incorporated by Massachusetts Department of Environmental Protection (DEP) standard permitting requirements (See State Clean Air Act).
3. **Clean Water Act (Section 404 Permit)** required through the U.S. Army Corps of Engineers (CORPS) Regulatory Branch for activities that involve the discharge of dredged or fill material into waters of the United States, including not only navigable waters, but also coastal waters, inland rivers, lakes, streams, and wetlands. Any project in or affecting the waters of the U.S. must comply with the conditions of the Massachusetts Programmatic General Permit (PGP) or, in the case of larger projects, the conditions of an Individual Permit.
4. **National Environmental Policy Act, or "NEPA"** requires the preparation of an Environmental Impact Statement (EIS) to assess the impact of a major federal action, i.e., projects and programs entirely or partly financed, assisted, conducted, regulated or approved by federal agencies that may have significant impact on the quality of the human environment. Major federal actions are either defined by statute or determined by agency officials.
5. **Environmental Protection Agency Stormwater Notices of Intent and/or NPDES Permits** are required for stormwater discharges associated with certain industrial activities. The term "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 are not part of a larger common plan of development of sale". The project owner and operator are required to file a Notice of Intent and pollution abatement plan with the EPA.
6. **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 such as the Merrimack River; the Section 10 permit is often applied for in conjunction with Section 404 permit.

**STATE PERMITS**

1. **Massachusetts Clean Waters Act, Surface Water and/or Groundwater Discharge Permits**  
Surface Water Discharge Permits, administered jointly by the federal EPA and the Massachusetts Department of Environmental Protection (DEP), are required for point source discharges 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 an unsewered area, a Disposal Works Construction Permit must be obtained from the Dracut Board of Health in accordance with Title V of the State Environmental Code. If a sewerage disposal system with capacity in excess of Fifteen Thousand (15,000) gallons per day will be constructed, a groundwater discharge permit must be obtained.
2. **Massachusetts Clean Water Act, Sewer Extension/Connection Permits** are required for the connection of a project to a sewer system unless exempted. There are pre-treatment requirements for industrial users, which must be coordinated with the permitting requirements of the Greater Lowell Wastewater Treatment Facility.
3. **Massachusetts Clean Air Act Approval** must be obtained in writing from the DEP 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 also register with the DEP. Anyone constructing or demolishing a commercial building, or residential building with twenty (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.
4. **Massachusetts Environmental Policy Act or "MEPA"** requires evaluation of the environmental impact for projects or activities meeting certain impact thresholds and seeking state funding or state permits. An Environmental Notification Form (ENF) must be filed if the project meets one or more of the thresholds specified in the regulations. Certain activities automatically require the preparation of an Environmental Impact Report (EIR) based on project size and impact.
5. **Hazardous Waste Management Permits** may be required from the federal EPA or state DEP if any wastes generated by the project are hazardous, depending on the types or quantities generated; contact the Dracut Fire Department for further information.
6. **Massachusetts Endangered Species Act** prohibits the taking or 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 and habitat maps available from the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program.
7. **Waterways, Great Ponds and Tidelands Construction License** must be obtained from the DEP, 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.

8. **Massachusetts Historical Commission Approval** must be obtained if a designated historical or archeological landmark will be altered or affected by a project undertaken by a state agency or any private party seeking any state funding, permits or licenses for a project.
  
9. **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.

# APPENDIX G

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## **Municipal Self-Assessment Checklist**



THE COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF HOUSING & ECONOMIC DEVELOPMENT  
 PERMIT REGULATORY OFFICE  
 ONE ASHBURTON PLACE · SUITE 2101 · BOSTON, MA 02108  
 TELEPHONE: 617-788-3610 · FAX: 617-788-3605

**DEVAL L. PATRICK**  
GOVERNOR

**TIMOTHY P. MURRAY**  
LIEUTENANT GOVERNOR

**DANIEL O'CONNELL**  
SECRETARY

**GREG BIALECKI**  
UNDERSECRETARY OF BUSINESS  
DEVELOPMENT

**APRIL ANDERSON LAMOUREUX**  
PERMIT OMBUDSMAN

**COMMUNITY:**

**DATE:**

**CONTACT:**

**EMAIL:**

**MUNICIPAL SELF-ASSESSMENT CHECKLIST**

Please refer to *A Best Practices Model for Streamlined Local Permitting* manual in order to complete this checklist. Please check below if your community has in place or is planning to put in place each of the best practices listed below. Please note that this checklist refers to your community's overall permitting practices and is not specific to the Chapter 43D sites. If the strategy is neither in place nor planned, please leave blank.

<b>Improving Communication with Permit Applicants</b>	<b>In Place</b>	<b>Planned</b>
Single Point of Contact		
User's Guide to Local Permitting		
Permitting Flow Charts and Checklists		
Clear Submittal Requirements		
Concurrent Applications		
Combined Public Hearings		
Pre-Application Process		
Project Technical Review Team		
Regularly Scheduled Inter-Departmental Meetings		
Physical Proximity to Professional Staff		
Development Agreements		
Encourage the Use of Third-Party Consultants		
<b>Standardizing the Permitting Process</b>		
Predictable Impact Fees		
Objective Criteria for Special Permits, Of-Right Zoning, & Master Plans		
Effective Use of Site Plan Approval		
Two-Tier Assessment Process		
Delegating Minor Decisions to Staff		
Uniform Timelines, Notifications, and Appeals		
<b>Resources for Improving Local Permitting Performance</b>		
Adequate Staffing		
Create a Culture of Training		
Maximize the Municipal Website		
Electronic Permit Tracking Systems		
Create an Electronic Filing Process for Permit Applicants		
<b>Planning</b>		
Selecting Preferred Sites for Commercial or Industrial Development		
Designating Priority Development Sites Under Chapter 43D		
Pre-Permitting for Selected Sites		