



Southborough

Permitting Guide

Establishing and Growing Your Business

Welcome to Southborough!

We are delighted that you are opening, expanding or relocating your business or nonprofit to Southborough. You are an asset to our community and we want to make the process as smooth as possible to advance our local economy. This Guide may also help residents navigate the permitting process if they are remodeling or making additions to their homes.

The Board of Selectmen established the Southborough Economic Development Committee (EDC) in 2013. The mission of the EDC is to support the partnership among the Town's business community, the Town, the nonprofits, and the residents of Southborough. The EDC works with the Town's leadership to retain and attract businesses.

Our goal is to expand and strengthen our business tax base while preserving the character and charm of Southborough. If you need help – from advice about next steps to introductions with members of our community – please give us a call.

Department heads and Town staff provided the information you will find within this document. This information will guide you through the different steps you need to take to open your business or expand your existing facilities to accommodate the growth in your business.

Southborough has a lot to offer! We look forward to working with you.

Board of Selectmen + Economic Development Committee



Where to Go

Southborough Town House

17 Common Street
Southborough, MA 01772

p: **(508) 485-0710**
f: **(508) 480-0161**

southboroughtown.com

 @17common

Open
M, W, Th 8am-5pm
Tu 8am-7pm
F 8am-12pm



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Where to Go

Office of the Economic Development Committee

p: (508) 485-0710 ext. 3011

southboroughedc.com

 @southboroughedc

Open

Tu 8am-7pm

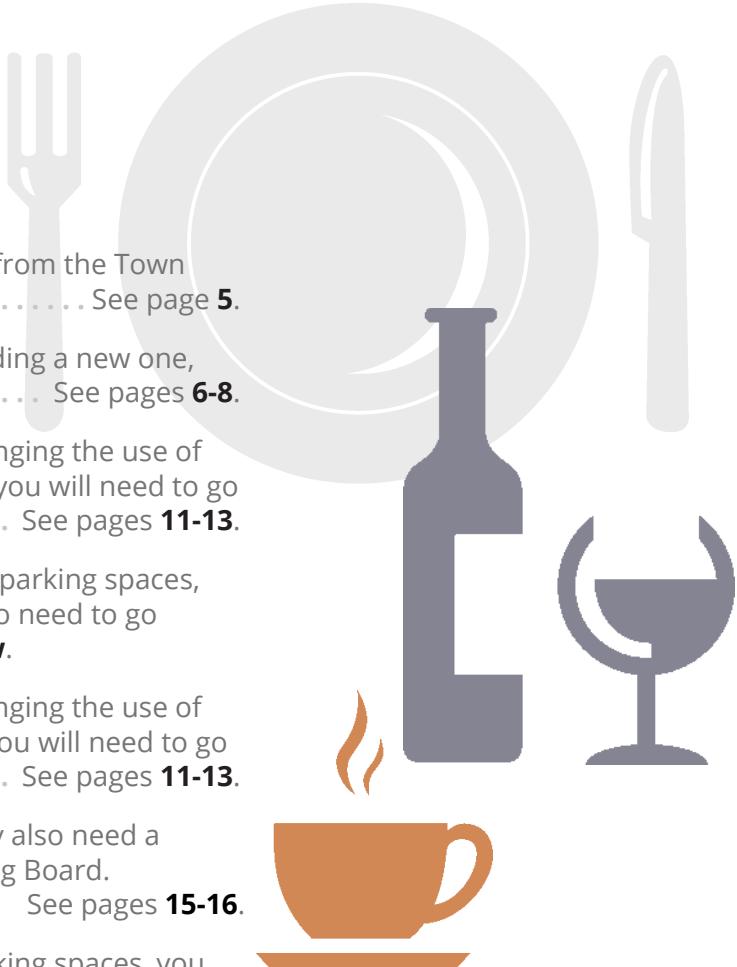
Th 8am-12:30pm

F 8am-12pm



Are You Opening a Restaurant?

-  Do you need a **Business Certificate** from the Town Clerk's Office? See page **5**.
-  If you are remodeling a space or building a new one, you will need a **Building Permit**. See pages **6-8**.
-  If you are building an addition or changing the use of less than 2,000 square feet of space, you will need to go through **Minor Site Plan Review**. ... See pages **11-13**.
If you are adding more than five parking spaces, but less than twenty, you will also need to go through **Minor Site Plan Review**.
-  If you are building an addition or changing the use of 2,000 square feet of space or more, you will need to go through **Major Site Plan Review**. ... See pages **11-13**.
Depending on your use, you may also need a **Special Permit** from the Planning Board.
See pages **15-16**.
-  If you are adding twenty or more parking spaces, you will also need to go through **Major Site Plan Review**.
See pages **11-13**.
If you are opening your business in a Business Village District, you will need a **Special Permit** from the Planning Board. See pages **15-16**.
-  You will need a **Common Victualler License** from the Board of Selectmen and a **Food Establishment License** from the Board of Health. See page **10**.
-  Serving alcohol? You will need a **Liquor License** from the Board of Selectmen. See page **10**.



Are You Opening a Retail Store?



Do you need a **Business Certificate** from the Town Clerk's Office? See page **5**.



If you are remodeling a space or building a new one, you will need a **Building Permit**. See pages **6-8**.



If you are building an addition or changing the use of less than 2,000 square feet of space, you will need to go through **Minor Site Plan Review**. ... See pages **11-13**.

If you are adding more than five parking spaces, but less than twenty, you will also need to go through **Minor Site Plan Review**.



If you are building an addition or changing the use of 2,000 square feet of space or more, you will need to go through **Major Site Plan Review**. ... See pages **11-13**.

Depending on your use, you may also need a **Special Permit** from the Planning Board.
See pages **15-16**.



If you are adding twenty or more parking spaces, you will also need to go through **Major Site Plan Review**.
See pages **11-13**.

If you are opening your business in a Business Village District, you will need a **Special Permit** from the Planning Board. See pages **15-16**.



Selling food? You may need a **Common Victualler License** from the Board of Selectmen and a **Food Establishment License** from the Board of Health.
See page **10**.



Selling alcohol? You will need a **Liquor License** from the Board of Selectmen. See page **10**.



Are You Opening a Professional Office?



Do you need a **Business Certificate** from the Town Clerk's Office? See page **5**.



If you are remodeling a space or building a new one, you will need a **Building Permit**. See pages **6-8**.



If you are building an addition or changing the use of less than 2,000 square feet of space, you will need to go through **Minor Site Plan Review**. ... See pages **11-13**.

If you are adding more than five parking spaces, but less than twenty, you will also need to go through **Minor Site Plan Review**.



If you are building an addition or changing the use of 2,000 square feet of space or more, you will need to go through **Major Site Plan Review**. ... See pages **11-13**.

Depending on your use, you may also need a **Special Permit** from the Planning Board.
See pages **15-16**.

If you are opening your business in a Business Village District, you will need a **Special Permit** from the Planning Board. See pages **15-16**.

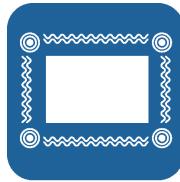


If you are adding twenty or more parking spaces, you will also need to go through **Major Site Plan Review**.
..... See pages **11-13**.



Adding a **sign**? Check with the Building/Zoning Department first! See page **12**.





Starting a Business

Business Certificate

If you meet certain conditions, you will need to file a Business Certificate with the Town Clerk. This action is required by Massachusetts General Laws, Chapter 110, Section 5.

The Town Clerk can help you with the application, which is on the office's web page. There is a registration fee and the Certificate is valid for four years. Your bank will require a certified copy of the Business Certificate to open a business account.

The following situations require an application for a Business Certificate:

- Any person or business doing business in Southborough under a name different than his or her own name must file a "dba" (doing business as) Certificate at the Southborough Town Clerk's office.
- If you are operating a business under your own full name (e.g. John Doe Construction), you are not required to register.
- If your business is incorporated but you are doing business under a different name, you must register.

You must register in person at the Town Clerk's Office or download the form from the Town Clerk's website and have a Notary Public witness your signature.

Other things you may need:

- Federal Tax or Employer Identification Number (www.irs.gov)
- Massachusetts Sales Tax Vendor number (www.dor.state.ma.us)

Where to Go

Town Clerk

p: **(508) 485-0710 ext. 3005**

southboroughtown.com/town-clerk

DBA Application is on the Town Clerk's web page.

Open

M, W, Th 8am-5pm

Tu 8am-7pm

F 8am-12pm

What you should know

There is a fee.

Length of Certificate: 4 years



Building or Remodeling Building Permits

If you are moving into a new space, remodeling your current space or adding additional space because your business is growing, then you will need a building permit.

Your first step is to discuss your needs with the Building/Zoning Department to determine the application process you need to use. Don't skip this step! A pre-application meeting with the Building/Zoning Department can save you time and money later in the process.

| Process | This Applies if... |
|---|--|
| Building Permit | Your business is an as-of-right use in your zoning district. As-of-right means that you will only need a building permit and will not need a special permit or variance from either the Planning Board or the Zoning Board of Appeals. |
| Special Permit (Planning Board) | In your zoning district, your business requires a special permit from the Planning Board. Special permits require a different application form and a public hearing. See pages 15-16. |
| Special Permit (Zoning Board of Appeals) | In your zoning district, your business requires a special permit from the Zoning Board of Appeals. This requirement is limited to a few business types in Southborough. See pages 15-16. |
| Variance (Zoning Board of Appeals) | Your plans for your business do not meet the dimensional requirements for your zoning district and you meet the requirements to apply for a variance. |

The map of the zoning districts and the zoning regulations are on the Building/Zoning Department's web page, but check that these are the most recent versions. Also check with the department to make sure your business is allowed in your planned location and that you can build or renovate the facilities you need for your operations. The Building/Zoning Department can help you review the energy code requirements for non-residential construction. Additional information can be found on the department's web page.

Where to Go

Building/Zoning Department

Cordaville Hall, Lower Level
9 Cordaville Road

p: **(508) 485-0717**

[southboroughtown.com/
building-zoning-department](http://southboroughtown.com/building-zoning-department)

Applications, fee schedules and checklists are on the Building/Zoning Department's web page.

Open

M, W, Th 8am-5pm

Tu 8am-7pm

F 8am-12pm

What you should know

Pre-Application meetings with the Building Commissioner/Zoning Officer save time...and money!



Building or Remodeling

Building Permit: Checklist

When you file your applications for a Building Permit you should include the following documents:

| ✓ | Item | Required Information |
|---|---|--|
| ✓ | Completed Permit Application , including either a copy of the signed contract between the homeowner and the contractor or the homeowner's signature on the application | Accurate cost estimate of job completed by the contractor Check for Permit Fee. See <i>What you Should Know</i> , top right |
| ✓ | Copy of signed workers' compensation affidavit | Relevant insurance certificates for workers' compensation |
| ✓ | Copy of CSL license and HIC registration or Signed exemption form for a homeowner pulling their own permit | See <i>What you Should Know</i> , middle right |
| ✓ | Two sets of plans | Check with Building Commissioner on appropriate size |
| ✓ | Plot plan certified by a civil engineer (if project includes a new structure or addition) | Location of proposed structure |
| ✓ | Construction control documents for new commercial buildings or tenant fit out (renovation of an existing space for a new tenant) | Specified in 780 CMR 107.6.2.1: discuss with the Building/Zoning Department |
| ✓ | Required signatures, as applicable | See <i>What you Should Know</i> , bottom right |

When you receive your Building Permit, remember you will need other permits and inspections before you receive the **Certificate of Occupancy** that allows you to schedule your grand opening! These permits may include **Plumbing, Gas**, and/or **Wiring Permits** from the Building/Zoning Department or **Septic System Construction** and/or **Soil Testing Permits** from the Board of Health.

What you should know

The fee schedules for building permits are on the Building/Zoning Department's web page.

What you should know

CSL

Construction Supervisor License

HIC

Home Improvement Contractor (allowed for 1-4 family jobs only)

What you should know

Building permit applications will require signatures from one or more of the following boards or departments:

- **Fire Department**
- **Health Department**
- **Department of Public Works**
- **Conservation Commission**
- **Planning Department**



Building or Remodeling

Building Permit: Process

Pre-application Consultation with the Building Department

This step is strongly recommended to ensure a smooth process.

Application

The Applicant files a complete application with all required materials. (See page 7 for checklist.)

Review

The Building Commissioner reviews the application.

Decision

The Building Commissioner has 30 days in which to provide the decision.

Approval

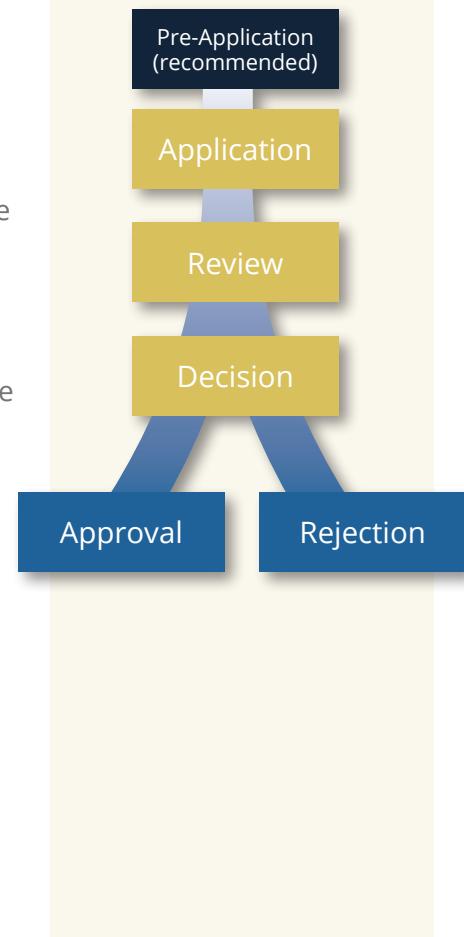
If approved, the applicant may move forward with the project. Inspections will occur throughout the construction process. The business may not open until the Building Commissioner has granted a Certificate of Occupancy.

Rejection

If the application is rejected, the applicant may revise the application to address the outstanding issues. If necessary, the applicant may appeal the decision to the Zoning Board of Appeals.

What you should know

The Building Commissioner usually takes less time to review the application for a building permit than the thirty days the statute requires.



Operating a Business

Licenses by Department

Depending on your business type, you may need additional licenses from the Town. You can apply for these at the same time you are working through the other approval processes. Licenses include the following:

| License | Department |
|---|--|
| Food Establishment | Board of Health (available on the Board of Health's web page) |
| Tobacco Sales License | |
| Septic System Installer | |
| Septic System Hauler | |
| Gasoline and Fuel Storage | Town Clerk (available in the Town Clerk's office) |
| Raffle | |
| Bazaar | |
| Auctioneer | |
| Liquor License | |
| Common Victualler License | |
| Class I and Class II Car Dealers Licenses | Board of Selectmen (available in the Board of Selectmen's office) |
| Automatic Amusement Devices | |
| Keno License | |
| Taxi License | |

What you should know

The Town of Southborough does not have a municipal sewer system. All domestic sewage needs an on-site sewage disposal system.

What you should know

Different thresholds exist for the storage of gasoline and fuel. You will need a permit if you have more than 10,000 cubic feet of flammable or combustible liquids; 3,000 cubic feet or more for inside storage of flammable gas; or 10,000 cubic feet or more for outside storage of flammable gas.



Operating a Business

Liquor and Food Establishment Licenses

If your business includes preparing or serving food, you will need a **Food Establishment License** from the Board of Health and a **Common Victualler License** from the Board of Selectmen.

The **Food Establishment License** is applicable to restaurants, caterers, those who prepare food for sale in a home kitchen, mobile food vendors and those who sell food as part of a retail operation. The fee for these licenses depends on the type and size of the business. You should file your application at least 30 days prior to opening.

The **Common Victualler License** may also apply to packaged goods, including bottled drinks.

Both the Board of Health and the Fire Department will conduct annual inspections of restaurants.

You will need a **Liquor License** from the Board of Selectmen if you plan to sell or serve alcohol. The license is good for one year and is renewed every calendar year. A new license requires a public hearing with the Board of Selectmen.

You should check with the Board of Selectmen's office and the Board of Health for the requirements of insurance related to these licenses.

Where to Go

Board of Selectmen

p: **(508) 485-0710 ext. 3004**

[southboroughtown.com/
board-selectmen](http://southboroughtown.com/board-selectmen)

Applications are at the Board of Selectmen's office.

Open

M, W, Th 8am-5pm

Tu 8am-7pm

F 8 am-12pm

Board of Health

Cordaville Hall, Lower Level
9 Cordaville Road

p: **(508) 481-3013**

[southboroughtown.com/
health](http://southboroughtown.com/health)

Application is on the Board of Health's web page.

Open

M-Th 8am-12:30pm

F 8am-12pm



Site Plan Review Summary

If you are constructing a new building or addition, adding parking and/or changing the use of an existing building, your project will require Site Plan Review by the Planning Board.

| Process | Applicability |
|-------------------------------|--|
| Minor Site Plan Review | An addition or change of use of less than 2,000 square feet of floor area or that adds at least five, but fewer than twenty, parking spaces. |
| Major Site Plan Review | New development, expansion of use, or change of use of 2,000 square feet or more or which requires twenty or more parking spaces. |

The Planning Board provides a *Development Guide* that explains the requirements for Special Permits and for Major and Minor Site Plan Review. This guide is available on the Planning Board's web page under *Applications, Rules and Regulations, Bylaws and Fees*.

Minor Site Plan Review is conducted by a Site Plan Review Committee with advisory input from the Conservation Commission. The Site Plan Review Committee consists of the Town Planner, a Selectman (or designee), the Building Inspector, the Highway Superintendent, the Board of Health Agent, the Superintendent of the Water Department, the Police Chief, and the Fire Chief (or designee). Minor Site Plan Review takes a maximum of 45 days for the decision. The Planning Board may extend that approval time.

Major Site Plan Review and a **Special Permit** require a public hearing in front of the Planning Board. A **Lower Impact Developed (LID) Special Permit** is also required by the Planning Board if a project is subject to Major Site Plan Review. The Planning Board may extend that approval time.

It is in your best interest to meet with Planning Staff prior to submitting an application for any of these approval processes. Planning Staff can discuss the process for a special permit, including the schedule and the requirements for a public hearing. You or your representative will need to attend the public hearing to explain your application.

The process for Site Plan Review may require additional permits. These are summarized on page 12; more information is provided on pages 13-14.

Where to Go

Planning Department

p: (508) 485-0710 ext. 3027

southboroughtown.com/planning

Applications and other materials are on the Planning Department's web page.

Open

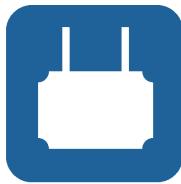
M, W, Th 8am-5pm

Tu 8am-7pm

F 8am-12pm

What you should know

We strongly recommend a pre-application review with the Town Planner. The process does not start until your application is complete!



Site Plan Review

Topics to Consider

As part of the **Site Plan Review** process, the zoning regulations establish specific requirements for signs, lighting, landscaping, parking, and other requirements that will affect your plans. You will need to work with the Planning and Building/Zoning Departments to make sure you meet the Town's requirements.

Sign regulations have an impact on the size, location, illumination and, in some cases, materials of the sign. You will want to discuss the design of your sign with the Building/Zoning Department to make sure it is in line with the regulations.

You will also discuss **outdoor illumination** as part of Site Plan Review. Lighting is important for visibility and safety, but the Town has restrictions on the location and amount of illumination allowed.

The Planning Board will review proposals for **landscape design** to identify and encourage elements that help retain stormwater on site. This is commonly known as LID – lower impact design. A **LID Special Permit** from the Planning Board is required if your project will disturb more than an acre of land. The Conservation Commission has additional requirements for stormwater management and projects near wetlands.

Make sure you have the right amount of **parking** for your business! You'll discuss this with the Town as part of the **Site Plan Review** process.

What you should know

Check with the Building/Zoning Department while your sign is still in the design stage. Both the Zoning Board of Appeals and the Planning Board have jurisdiction over signs.

The Zoning Board of Appeals may grant a special permit for a sign which does not meet certain limitations regarding height, number of signs, illumination, maximum area, and minimum setback.

The Planning Board has an advisory role during this special permit process.



Site Plan Review

Related Permits

| Process | This Applies if.. | What you should know |
|------------------------------|---|---|
| Sign Review | You need a sign to advertise your business. This will be part of the Site Plan Review process governed by the Planning Board. | LOWER IMPACT DEVELOPMENT (LID): An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to restore (if necessary) and protect the natural hydrology of the site. |
| LID Special Permit | You are subject to Major Site Plan Review or are disturbing an acre or more of land. | |
| Stormwater Management Permit | You are subject to Major Site Plan Review or are making significant changes to the site. The permit is granted by the Conservation Commission. | |
| Wetlands Permit | Your proposed project is within 100 feet of a wetland or 200 feet of a river or perennial stream. The permit is granted by the Conservation Commission. | |

What you should know

If your business is located in the Business Village District, your project will undergo Design Review as part of a Special Permit process with the Planning Board.



Other Permits

Wetlands and Stormwater Permits

You may require a **Wetlands Permit** if your business is located within 200 feet of a river or perennial stream, or 100 feet of a wetland. You will need to discuss the following projects with the Conservation Commission before you start work:

- Removing trees
- Clearing vegetation
- Grading or excavating the site
- Installing new landscaping
- Constructing new structures or additions

Any other activity that might alter the buffer or the wetlands themselves.

Normal maintenance of an existing lawn or landscaping is fine and the Conservation Commission is happy to recommend natural lawn care alternatives and resources to reduce the use of irrigation. But be careful! Prohibited activities include dumping (leaves, grass, manure, dirt, fill) and draining (wetlands, ponds or streams).

The Conservation Commission will require a **Stormwater Management Permit** for projects that meet certain thresholds. In general, your project may be subject to this permit if it is also subject to **Major Site Plan Review** or will disturb either one acre or more or 50% of the lot, whichever is less. There are exceptions, so talk to the Conservation Commission first!

Where to Go

Conservation Commission

p: (508) 485-0710 ext. 3024

southboroughtown.com/conservation-commission

Applications and related checklists are on the Conservation Commission's web page.

Open
M-Th 8:30am-5pm

What you should know

Wetlands and Stormwater Management are also governed by the laws of the Commonwealth of Massachusetts. Check with the Conservation Commission before you do any work! We strongly recommend a pre-application review with the Conservation Agent.



Other Permits

Special Permits: Definitions

Planning Board

Uses that require a **Special Permit** from the Planning Board are defined by district within the Zoning Chapter of the Town of Southborough. A consultation with the Planning Department will help you understand which zoning district your business will be in and what the implications are.

For example, many uses in the Business Village District are permitted as-of-right if the use is contained within 2,000 square feet of space. However, if those uses require more than 2,000 square feet of space, a Special Permit from the Planning Board is required.

Zoning Board of Appeals (ZBA)

Special permits from the Zoning Board of Appeals apply to fewer uses, but some of these are businesses – for example, a children's camp or riding stable. Check with the Planning Department to make sure you know the correct Board for your application.

Process

The approval process for a **Special Permit** is the same for both Boards, and is detailed on page 16.

Where to Go

Planning Department

p: (508) 485-0710 ext. 3027

southboroughtown.com/planning

Applications and other materials are on the Planning Department's web page.

Open

M, W, Th 8am-5pm

Tu 8am-7pm

F 8am-12pm

What you should know

If you are in one of the Business Village Districts, you need a Special Permit for your project. The process for a Special Permit will include design review by the Planning Board.



Other Permits

Special Permit Process

Pre-Application Consultation

This step is strongly recommended to ensure a smooth process.

Application

The Applicant files an application with all the required materials with the relevant Permit Granting Authority (Planning Board or Zoning Board of Appeals).

Public Hearing

A public hearing must be scheduled within 65 days after the Applicant submits the application. Make sure you or your representative attends the hearing!

Decision

The Permit Granting Authority must provide a decision within 90 days after the close of the Public Hearing; this period may be extended by mutual agreement between the Board and the Applicant.

Record with Town Clerk

Recording must be complete within 14 days after the decision is made.

Appeal Period

The appeal period ends 20 days after the date it was recorded by the Town Clerk. If the decision is favorable and there is no appeal, the Applicant must record the approval with the Registry of Deeds. If the decision is not favorable and the Applicant wishes to appeal, that appeal must be made during this period.

Where to Go

Zoning Board of Appeals

Cordaville Hall, Lower Level
9 Cordaville Road

p: **(508) 485-0717**

[southboroughtown.com/
zoning-board-appeals](http://southboroughtown.com/zoning-board-appeals)

Applications and other materials are on the ZBA's web page.

Open

M, W, Th 8am-5pm

Tu 8am-7pm

F 8am-12pm

What you should know

In addition to granting Special Permits, the Zoning Board of Appeals hears all variances; in other words, if your project does not meet the dimensional standards of the Zoning By-Law, the Zoning Board of Appeals would hear your request for a variance, or waiver, of that By-Law.

A use variance is not required for septic issues.

Thank you to all our contributors:

Board of Selectmen

Brian E. Shea
Bonnie J. Phaneuf
Daniel L. Kolenda
John F. Rooney III
Paul M. Cimino

Thank you to the following people who provided the information contained in this guide:

Mark J. Purple, Town Administrator
Vanessa D. Hale, Assistant Town Administrator
Lori Esposito, Executive Assistant to the Board of Selectmen
Pamela M. DiGiovanni, Economic Development Coordinator
Mark Robidoux, C.B.O. Building Commissioner/Zoning Officer
Beth Rosenblum, Conservation Administrator
Paul Pisinski, Public Health Director
Karina G. Quinn, P.E., Town Planner
Jyothi Grama, former Town Planner
Hillary Young Carney, Administrative Assistant, Planning Board

The Economic Development Committee coordinated and oversaw the production of this guide.

David K. McCay, Chairman
Julie W. Connelly, Vice Chairman
Daniel L. Kolenda, Representative from the Board of Selectmen
Sujal N. Bhalakia
Christopher Robbins
Kathleen B. Bartolini
Jamie M. Falconi
Claire C. Reynolds
Karina G. Quinn, Ex-Officio
Pamela M. DiGiovanni, Ex-Officio
Lori E. Karlsson, Ex-Officio
Mark J. Purple, Ex-Officio

Prepared for the Economic Development Committee by:





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Growing Your Business