



North Reading Small Business Guide

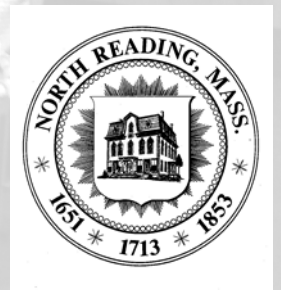
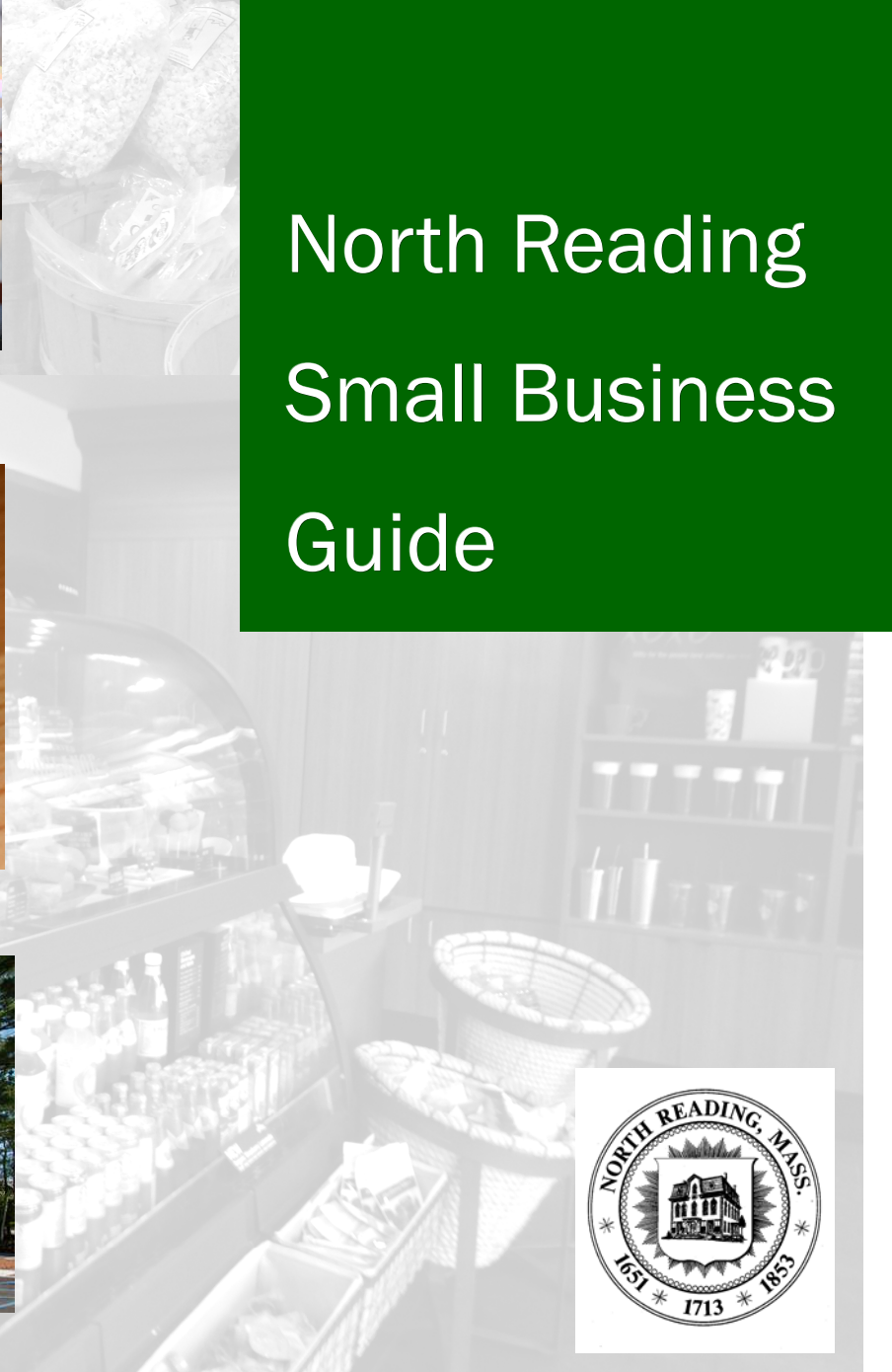


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www.northreadingma.gov



Doing Business in North Reading

INTRODUCTION



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Thank you for your interest in establishing a business in North Reading! This Guide is designed to help prospective new businesses navigate the Town of North Reading's business approval process by providing an overview of what businesses may encounter during the permitting, licensing and zoning processes.

As you prepare to open your business, please be aware that Town Staff are available to help you throughout the permitting process. They can answer your questions and assist and guide you through the development review process.

GETTING STARTED

When you have finished reviewing this Guide and when you are ready to begin the municipal approval process, your first step will be to contact the Building or Community Planning Departments to discuss your project and determine what permits and licenses your project may need. Discussing your plans with Town Staff will help identify issues that need to be addressed and save you time and money in the long run. The Town encourages proponents of commercial projects involving redevelopment of more than 50% of a property or of new construction to ask the Community Planning Administrator to arrange a development review meeting with the Town's Development Team. During this meeting, which generally includes representatives from Building, Planning, Police, Fire, Health, Conservation and DPW (including Engineer and Water), staff will:

- Discuss your proposed plans for construction and site work;
- Answer any questions you may have about the permitting process; and
- Identify what municipal approvals you will need and propose alternatives or solutions to potential issues you may face.

Most permits and approvals you may need are identified in this guide and include:

- Business Certificates;
- Special Permits and Variances;
- Site Plan Review;
- Building Permits;
- Health Permits and Septic Approvals;
- Alcoholic Beverage and Common Victualler Licenses; and
- Water and Wetland Approvals.

* To find any forms not otherwise identified in this guide, please visit the town's website at www.northreadingma.gov, or call the appropriate town department.

Starting a Business in North Reading

WHAT IS A BUSINESS CERTIFICATE?

Business certificates are public records that identify the name and address of owners of businesses and are commonly referred to as a “DBAs” (“doing business as”) or “Sole Proprietorships”. Business certificates provide consumer protection and information, are required for tax and permitting purposes, and are typically required to secure business loans.

WHO MUST FILE A BUSINESS CERTIFICATE?

MGL c. 110 § 5 requires any person or partnership conducting business under any title other than the real name of the person conducting the business to file a certificate in the Clerk’s office in every city or town where an office for the business may be situated. A business certificate is not required if a corporation or partnership is doing business in its true corporate name (MGL c. 110, § 6). Businesses that register with the Secretary of State’s Office do not need to file a business certificate.

HOW DO I FILE OR RENEW A BUSINESS CERTIFICATE?

Business certificates can be obtained at the Clerk’s office. If you are using your residence as your business address, then you should consult with the Building Department on any permitting requirements for Home Occupations. The fee for a business certificate in North Reading is \$40 and is valid for four years. Business certificate renewals are also \$40 and are valid for the same length of time.

Note: Remember to file your business certificate! Failure to file a business certificate is punishable by a fine of up to \$300.00 per month of violation (MGL c. 110 § 5).

WHAT DO I DO TO DISCONTINUE OR RELOCATE MY BUSINESS?

If you are no longer in business or you move out of the town, you should file a withdrawal from business form obtained at the office of the Town Clerk. The fee for withdrawing from a business is \$20.00. This should be done as soon as possible as personal property taxes on your business cannot be adjusted until the Assessor’s receive your withdrawal form. It is effective from the date that you file this form, not the date you ended your business. You should file before the date of expiration.

DOES FILING A BUSINESS CERTIFICATE PROTECT ME FROM OTHER PEOPLE USING THE SAME BUSINESS NAME?

No. The protection of a trademark (word, name, symbol or device) in Massachusetts is accomplished by registering your business name with the Secretary of State’s Office at www.sec.state.ma.us/cor/corpweb/cornameres/nameresinf.htm.

*For more information on business certificates, visit: www.northreadingma.gov/town-clerk/pages/business-certificates

**For more information about starting a business in Massachusetts, visit: www.mass.gov/portal/business/

Zoning and Parking Regulations



ZONING DISTRICTS

Please take a moment to review the zoning regulations applicable to the area in which you seek to establish a business. The Zoning By-laws, accessible at: Ecode360.com/10384134, set forth the town's zoning districts and overlay zones:

1. **Residence:** Residence A (RA), Residence R (RR), Residence B (RB), Residence D (RD), Residence E (RE), and Residence M (RM) Districts.
2. **Business:** Local Business (LB), General Business (GB), and Highway Business (HB) Districts.
3. **Industrial:** Industrial/Office (I/O) District.
4. **Overlay:** Overlay districts do not change the underlying zoning of a property, but do require certain uses within the overlay districts to meet certain additional requirements. Two such overlays in North Reading are the Floodplain overlay, c. 200, s. 44 of the Zoning By-laws, which regulates certain uses to protect the water table and water recharge areas, and the Aquifer Protection overlay, c. 200, s. 38, which regulates uses to prevent contamination of groundwater resources providing public water supply. Other overlays allow for additional uses not otherwise permitted by the underlying zoning, such as the Main Street Mixed Use overlay, Affordable Housing overlay and Multi-Family Housing overlay, where residential uses are allowed by a Special Permit process.

Note:
For a map of the zoning districts, please visit:
www.northreadingma.gov/gis

SPECIAL PERMITS

In addition to by-right uses there are a number of uses, including home occupations, that are only allowed by Special Permit. Depending on the special use you are seeking, you must submit your Special Permit application either to the Zoning Board of Appeals or the Community Planning Commission. The Special Permit process is detailed in c. 200, s. 28 of the Zoning By-laws, and a complete table of uses, including Special Permit uses, can be found in c. 200, s. 35.

VARIANCES

Projects that do not comply with the dimensional requirements of zoning must apply for variances. Use variances are not available in North Reading. All variance applications must be submitted to the Zoning Board of Appeals, and the process is detailed in c. 200, s. 27 of the Zoning By-laws.

PARKING REQUIREMENTS

Projects will also have to comply with the Town's parking and loading regulations, which can be found in Chapter 200, Article XIII of the Zoning Bylaw.

- More information about public hearing procedures for Special Permits and Variances can be found at: www.northreadingma.gov/zoning-board-appeals/pages/hearing-procedures
- The application form for both Special Permits and Variances can be found at: www.northreadingma.gov/zoning-board-appeals/pages/downloadable-forms

Site Plan Review

WHAT IS SITE PLAN REVIEW?

Site Plan Review protects the public interest through evaluating impacts of new development and redevelopment projects. Site Plan Review manages aesthetics, minimizes the potential for conflicts among uses and lessens the impacts of uses that are otherwise allowed in a district, through reasonable conditions. You can obtain the Site Plan Review application and regulations at Town Hall or online at: www.northreadingma.gov/community_planning. Please note that if your project includes new construction on Main Street, you will need to comply with the Main Street Overlay District design guidelines, which can be found in the Site Plan Review regulations.

WILL MY BUSINESS NEED TO GO THROUGH A SITE PLAN REVIEW?

Site Plan Review is required if the proposed construction or site alteration involves:

1. construction or alteration of a building which contains more than 2,000 square feet or new or altered space or which requires the addition of five (5) or more new parking spaces;
2. construction, site modifications, or new uses not normally associated with the existing use;
3. construction of new cellular towers (and in some cases, changes to existing towers); or
4. construction within the I/O or HB zoning districts.

The following developments are exempt from Site Plan Review:

1. single and two family dwellings;
2. small structure or additions not exceeding 2,000 square feet of gross floor area and not requiring the addition of five (5) or more parking spaces (and are not located in I/O or HB);
3. maintenance and in-kind repairs of existing buildings;
4. interior work affecting less than 2,000 gross square feet; and
5. work involving internal electrical, plumbing or mechanical systems.

Note: Site plan approval generally expires if substantial work on the project has not started within two years

WHO CONDUCTS SITE PLAN REVIEW?

Site Plan Review is administered by the Community Planning Commission.

HOW DO I GET SITE PLAN APPROVAL?

Site Plan Review is a special permit process in North Reading, which is outlined in c. 200 of the Zoning Bylaw. If applicable, it may be completed concurrently with other needed Special Permits. You will need to submit an application, site plan, and parking plan to the Community Planning office, along with a fee, after which the Community Planning Commission will schedule a public hearing and route the application to other town departments for feedback. These departments will provide comments, and the Planning office will communicate these comments to the applicant prior to the hearing. At the hearing you will have an opportunity to present your project and respond to questions and feedback. The hearing may be continued to additional meetings. The Community Planning Commission will approve or deny your site plan within 90 days of closing the hearing.

Building Permits



WHAT IS A BUILDING PERMIT?

Building permits are permits issued by the building inspector to licensed contractors and owners to allow construction work in accordance with the Massachusetts State Building Code.

WHO NEEDS TO GET A BUILDING PERMIT?

Building permits are required to construct, reconstruct, alter, repair, remove or demolish a building or structure. It is recommended that you speak with the Building Inspector about specific requirements.

HOW DO I GET A BUILDING PERMIT?

Town building regulations and permit applications can be found at: www.northreadingma.gov/building-department and are guided by c. 200, sections 16-22 of the Zoning By-laws.

1. **Application:** You must submit a Building Permit application, with plans and fees, to the Building Department. Other required approvals, such as special permit and Fire Department approval, must be obtained before a building permit will be issued.
2. **Steps:** After submitting the application, a Building Permit must be issued to begin construction.
 - Elements of construction such as foundation, plumbing and electrical will be permitted separately under certain conditions. Separate permit applications are required for plumbing, gas and electrical work.
 - Most commercial projects will require architectural, plumbing, electrical and mechanical plans stamped by a professional architect/engineer. Inspections must be scheduled as elements of the project are completed.
 - Contractors must submit appropriate information, including Worker's Compensation forms, proof of Insurance, and a valid license.
3. **Certificate of Occupancy:** After building permit work is completed, you must request a Certificate of Occupancy from the Building Department. All applicable Town Departments, must sign off and a final inspection of the work is required before the Certificate of Occupancy will be issued.

Note: Any changes to approved plans, including plumbing, electrical and mechanical will require an amendment to the affected permit.

Note: Permits become invalid if work does not start within 180 days of the permit being issued or if work is suspended for 180 days after starting. The Building Inspector may grant extensions as necessary.

Consider these items when applying for your Certificate of Occupancy:

- Have you submitted all architectural affidavits to the Building Department?
- Have you addressed all conditions in the Site Plan Review approval?
- Is the project constructed in compliance with all previous plan approvals (Building Permit, Plumbing, Electrical, Mechanical, and Health)?
- Have you scheduled final inspections with the Building, Health, Planning, and Fire Departments?

Health Permits



WHAT ARE HEALTH PERMITS?

Health Permits are certificates of compliance issued by the Town of North Reading Board of Health, which is responsible for setting performance standards and fee schedules for a variety of businesses pursuant to the Massachusetts General laws, Massachusetts Public Health Laws, the State Sanitary Code, and the Town's By-laws.

Note: Restaurant operators should be particularly mindful of septic requirements. Please contact the health agent with any questions

WHAT BUSINESSES ARE SUBJECT TO HEALTH REGULATIONS?

Generally, all food service establishments, restaurants, retail food stores, catering businesses, food trucks, residential kitchens, waste haulers of solid, hazardous and medical waste, contractors and installers of sewage disposal systems, tanning and body art salons, recreation camps and indoor skating rinks, funereal homes, agricultural farms, animal farms, barns and kennels are subject to the Health Regulations.

Note: Catered food must also be prepared in a licensed food establishment.

PLAN REVIEW

The Health Department specifically requires plan review for projects concerning food service establishments, such as restaurants, retail food stores, food trucks, and residential kitchens, and for Subdivision control, siting and installation of subsurface sewage disposal systems, and hazardous waste facility site assignment and solid waste management.

TIPS FOR PROPERTY OWNERS AND BUSINESS OWNERS

Property owners: Please note that a permit is required to install, repair or abandon septic systems, for the hauling or removal of septage, for the development of wells, and for the placement of dumpsters (which must be on concrete pads and screened with cleanable-surface fencing).

Business owners: Please contact the Health Department to find out which permit applications need to be submitted and the associated fees required. Restaurants and other food service operations are required to submit floor plans of the proposed business to the Board of Health for review by the Health Agent.

* Applications and other information can be found at the town website at:
www.northreadingma.gov/health-department

* Title V Septic Regulations can be found at:
<http://www.northreadingma.gov/health-department/pages/environmental-health-septic-systemstitle-v>

* A complete listing of the Board of Health regulations can be found at:
www.northreadingma.gov/health-department/pages/regulations

Alcoholic Beverage Licenses and Common Victualler Licenses



North Reading is home to a number of restaurants, from informal and fast food to fine dining. If you are considering opening a restaurant, you will need a Common Victualler license and may want to consider applying for an alcoholic beverage license.

WHAT IS A COMMON VICTUALLER LICENSE?

If your business sells prepared food and provides seating, then you need to obtain a Common Victualler License from the Board of Selectmen. In order to apply for a Common Victualler License, you must first obtain a food service permit from the Board of Health. You can pick up a food permit application from the Health Department at Town Hall. The fee for a Common Victualler is \$100. If your business does not provide seating, then a Common Victualler License is not needed.

WHAT IS AN ALCOHOLIC BEVERAGE LICENSE?

Alcoholic beverage licenses are required for businesses handling alcoholic beverages including retail pouring or package sale and for businesses that sell, store, distribute, serve or deliver alcohol.

WHERE DO I GET AN ALCOHOLIC BEVERAGE LICENSE?

Alcoholic Beverage License applications are available online on the Alcoholic Beverage Control Commission's (ABCC) website at www.mass.gov/abcc/forms.htm. You must have a certificate of occupancy and any permits required by the Board of Health before your application will be considered by the Board of Selectmen.

HOW DO I GET AN ALCOHOLIC BEVERAGE LICENSE AND HOW LONG WILL IT TAKE?

Once you submit your application, the Town Administrator's office will work with you to schedule a public hearing. You will be responsible for publishing notice of the hearing and the hearing will take place between 10 days of its advertisement and 30 days of the receipt of the application. If the application is approved by the Board of Selectmen, the application will be sent to the ABCC within three days of the decision for review. The ABCC will generally make a determination within two months. If the application is approved by the ABCC, the Town Administrator's office will issue the liquor license.

1. The Board of Selectmen (BOS) policy requires managers and servers at establishments serving liquor to successfully complete a certified training program.
2. There are a limited number of licenses that can be issued in Town – check for availability with the Town Administrator's office.
3. If you stop operating a licensed business, you must give up your license and deliver it to the BOS.
4. If you plan to temporarily suspend your business operations, you must provide notice to the BOS as soon as possible.

Water and Wetland Regulations



WATER REGULATIONS

Water Regulations, rates and fees are set by the Water Department for all water customers. All requests for the installation, relocation, connection, disconnection or removal of water works utilities must be submitted by the property owner to the Water Department. The Water Regulations are available online at: www.northreadingma.gov/water-division.

All requests concerning the installation of water mains must be accompanied by a proposed site plan and, if subject to the Subdivision Control law, must conform with the Community Planning Commission's subdivision regulations. All requests concerning the installation, renewal, discontinuance, restoration, or transfer of service connections must be made two (2) weeks before the work is to take place. All work must be completed by a qualified contractor and is subject to the supervision and inspection by the Water Department.

WETLAND REGULATIONS

The Massachusetts Wetlands Protection Act (WPA) MGL c.131.s.40 protects important water-related land areas like wetlands, lands subject to flooding, banks, riverfront areas, wildlife habitat and other areas. Activities that impact wetland resource areas, or the 100-foot buffer zone around them, require a permit from the Conservation Commission. North Reading also has a local bylaw that furthers the protection of wetland resource areas under the Town's Code, Chapter 196. This bylaw establishes a 12' No Disturb Zone, protects isolated wetlands and vernal pools, and limits the amount of alteration and of impervious area within the buffer zone. Both of these laws require the review and/or permitting of activities within resource areas and associated buffer zones. Such activities may include but are not limited to the placement of fill, destruction of vegetation, removal of soil, building upon, changing drainage characteristics, change in water table, degrading or otherwise altering an area subject to protection.

Projects disturbing 1 acre or more of impervious area are subject to the town's **Storm-water Bylaw** (Chapter 156 of the Town Code). The application is filed with the Building Inspector and reviewed by the Town Engineer.

A person may file an application for the review of a proposed activity, determination of jurisdiction, or to obtain a permit for work. For small projects within the 100' buffer zone to a resource area that will have no wetland impacts, a Request for Determination of Applicability may be submitted for review by the Conservation Commission at a public meeting. Under the local bylaw, this filing will require notification of abutters within 300' and a published legal ad in the local paper.

For larger projects that will impact a resource area, a more formal application called a Notice of Intent must be filed. This filing will require fees both under the WPA and the local bylaw, notification of abutters within 300', a legal ad, and formal presentation at a Public Hearing subject to the Open Meeting Law.

Please contact the Conservation Commission for more information on these laws and how it may apply to a particular project or property.