

Doing Business in North Andover:

A Guide to Permits and Regulations for New and Expanding Businesses



Town of North Andover Division of
Community and Economic Development

WELCOME!

The Town of North Andover created this guide to help business owners navigate the process of applying for and obtaining permits required to establish and run a business in town. In this guide, you will find information about:

- Important Town contacts for starting or expanding a business
- Local regulations
- Required permits and licenses
- Project review processes

Throughout this guide, you can click *italicized light blue text* to connect to the resource being referenced.

If you cannot find the answers to your questions, the best source of information is Town staff. We are here to assist you through the process to help make it as easy as possible. You are highly encouraged work with Town staff from the start, as this can save time.

INTRODUCTION TO NORTH ANDOVER

North Andover is a town of over 30,000 people in the Merrimack Valley. It is known for its history, scenic landscapes, and industry. Major transportation corridors, a college, recreational opportunities, and proximity to large cities make North Andover a desirable place to do business. Across town, local restaurants, mom and pop retail, an array of lifestyle services, and more draw visitors and residents alike. Small businesses have been the cornerstone of the local economy, adding vitality to neighborhoods and bringing a sense of community with them. This guide is a tool for the business community, which contributes to the Town's efforts to support local businesses and diversify the Town's economic base.

Licenses and permits are required in North Andover for the Town to conduct technical and regulatory reviews to ensure the health and safety of its citizens. However, you will receive assistance and guidance as you go through the permitting processes, which will help ensure that the outcomes are predictable and finalized in a timely manner.

As you prepare to open your business, there are three key offices in Town Hall that can help you: *Community and Economic Development Division, Planning Department, and the Building Department.*

OFFICE HOURS

Town Hall

Monday, Wednesday, Thursday: 8:30 a.m. – 4:30 p.m.

Tuesday: 8:30 a.m. – 6 p.m.

Friday: 8:30 a.m. – 12 p.m.

Andrew Shapiro, AICP

Community and Economic
Development Director

(978) 688-9533

ashapiro@northandoverma.gov

Jean Enright

Planning Director

(978) 688-9535

jenright@northandoverma.gov

Paul Hutchins

Inspector of Buildings

(978) 688-9545

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Located at:

Town Hall

120 Main Street

North Andover, MA 01845

PRE-CONSULTATION WITH TOWN STAFF

Unsure of where to start? Is your business large or not easily defined? Do you want feedback before seeking a permit? Town staff are happy to help.

For proposed new businesses, a request can be made for a Technical Review Committee meeting. The Technical Review Committee consists of all department heads with jurisdiction over zoning bylaws, business operations, infrastructure, and development.

[Click here to request a Technical Review Committee Meeting](#)

Technical Review Committee Responsibilities and Review Topics

| Department | Office Phone Number | Responsibilities and review topics |
|-----------------------------------|---------------------|---|
| <i>Town Clerk</i> | (978) 688-9501 | Business Certificate (DBA), Alcoholic Beverage License, Common Victualler License, Entertainment License |
| <i>Fire Department</i> | (978) 688-9590 | Emergency access and radio communication, fire alarm/sprinkler system, building access, site safety, and fire truck turning analysis |
| <i>Police Department</i> | (978) 683-3168 | Alcoholic Beverage License, Entertainment License, parking, safety |
| <i>Building Department</i> | (978) 688-9545 | ADA compliance, building requirements, building and zoning code enforcement, parking requirements, occupancy permits, administration of applications to the Zoning Board of Appeals, if necessary |
| <i>Conservation Department</i> | (978) 688-9530 | Wetland impacts, administration of applications to the Conservation Commission, if necessary |
| <i>Health Department</i> | (978) 688-9540 | Permits for dumpsters, body art establishments, food establishments, funeral homes, septic systems, pools, tanning, and tobacco sales |
| <i>Planning Department</i> | (978) 688-9535 | Reviews the physical, economic, and environmental development of the Town, administration of applications for Subdivisions, Site Plan Review, and Special Permits for the Planning Board. See which developments require Site Plan Review here |
| <i>Department of Public Works</i> | (978) 685-0950 | Curb cuts, drainage, roads, sanitation facilities, stormwater drainage, water and sewer connections |

OPENING A BUSINESS

GETTING STARTED

This page provides a high-level overview of key steps and processes to consider in the early stages of opening a business. These topics are explained further in the following pages.

Any text in *bold blue italics* will link to the described resource when clicked.

Regulations and Requirements

1. WILL YOUR BUSINESS BE UNDER A NAME OTHER THAN YOUR OWN?

You need a *Business Certificate* from the Town Clerk's office, unless your business is a corporation.

2. WHERE WILL YOUR BUSINESS BE LOCATED?

Review the *Zoning Use Table* and *Article 4: Buildings and Uses Permitted* of the North Andover Zoning Bylaw.

3. HOW BIG IS YOUR BUSINESS?*

Building size and location on a lot are restricted by *Dimensional Requirements*. Also, *Off-Street Parking Requirements* are determined by building use and size.

4. ARE YOU GOING TO PUT UP A NEW SIGN OR AWNING?

You need a *Sign Permit* from the Building Department.

5. ARE YOU REMODELING THE INSIDE OF AN EXISTING SPACE OR CONSTRUCTING A NEW SPACE?

You need a *Building Permit* from the Building Department and may need a Special Permit from the Planning Board.

6. WILL YOUR BUSINESS SERVE FOOD OR DRINK?

You need a *Food Establishment Permit* and may need a *Dumpster Permit*.

7. ARE YOU PROPOSING ANY GROUND DISTURBANCE?

If disturbance is within a wetland buffer zone, you may need to *file an application with the Conservation Commission*.

8. IS YOUR PROPOSED BUSINESS WITHIN THE WATERSHED PROTECTION DISTRICT?

Check the *Watershed Map* and review *Watershed Protection District requirements*. Discuss any concerns with the Planning Department.

** Dimensional criteria may be detailed further in articles of the zoning bylaw, such as for overlay districts, which are not in the Dimensional Requirements Table.

BUSINESS CERTIFICATES

WHAT IS A BUSINESS CERTIFICATE?

A business certificate is the public record of the name and address of the owner(s) of a business, and is commonly referred to by the name "D.B.A." (doing business as) or "Sole Proprietorship." Its purpose is primarily for consumer protection and public information.

WHO MUST FILE A BUSINESS CERTIFICATE?

Any person conducting business in Massachusetts under any title other than the real name of the person conducting the business, whether individually or as a partnership, must obtain a Business Certificate.

A business certificate is not required if a corporation is doing business in its true corporate name, or if a partnership is doing business under any title which includes the true surname of any partner.

Businesses who file with the Secretary of State's Office do not need to file with the Town.

HOW DO I FILE OR RENEW A BUSINESS CERTIFICATE?

Businesses can *file a business certificate with Town Clerk's office* at North Andover Town Hall. Business certificates are valid for four years. There is a fee for filing business certificates and for renewing every four years.

If you are using your residence as your business address, then you must first obtain a Certificate of Occupancy from the Building Department. This can be obtained if the owner filing for the business certificate is proven to be a resident at that address and meets the code requirements for a home business.

WHAT IF I DISCONTINUE OR WITHDRAW FROM THE BUSINESS, OR MOVE TO ANOTHER LOCATION?

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. This should be done as soon as possible as personal property taxes on your business cannot be adjusted until the Assessor's receives 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.

WHAT IS THE PENALTY FOR FAILING TO FILE A BUSINESS CERTIFICATE?

The requirement to file a business certificate is a state law. Failure to do so is punishable by a fine of up to \$300.00 per month of violation.

RESTAURANTS

and other food establishments

GETTING STARTED

Food establishments vary in how they are regulated, depending on the type of establishment and how food is served. Supermarkets, restaurants, and hotels that serve food all require **Food Establishment Permits**, but have different zoning and health code restrictions.

FOOD ESTABLISHMENT REQUIREMENTS

Any establishment preparing and serving unpackaged food must submit a **Food Service Establishment Plan Review Application**. Contact the Health Department to obtain this application or for more information.

This application outlines requirements and requests information for:

- Proposed menu
- Site and floor plans
- Equipment details
- Food preparation procedures
- Employee certifications
- Food labeling

FOOD ESTABLISHMENT PERMITTING CONSIDERATIONS

1. IS YOUR RESTAURANT GOING TO HAVE SEATING?

You need a *Common Victualler License* from the Select Board.

2. IS YOUR RESTAURANT GOING TO SERVE ALCOHOL?

You need an *Alcoholic Beverages License* from the Select Board and Massachusetts Alcoholic Beverages Control Commission.

3. ARE YOU MOVING INTO AN EXISTING SPACE, BUT CHANGING THE USE OR NEED FOR PARKING?

You may need *Site Plan Approval* from the Planning Board.

4. WILL YOUR ESTABLISHMENT HAVE A DUMPSTER?

You need a *Dumpster Permit* from the Health Department.

5. IS YOUR FOOD BUSINESS NOT A TYPICAL RESTAURANT?

Food trucks, catering services, and temporary food services require additional permits. Inspection requirements and regulation may also vary. [View additional food permits and regulations](#)

Eating and Drinking Establishment Zoning**

Allowed:

- Business Districts 2-3
- Village Center
- General Business
- Corridor Development Districts 1-3
- Downtown Overlay District

Special Permit:

- Residential District 6
- Planned Commercial Development
- Industrial District 5

Prohibited:

- Residential Districts 1-5
- Village Residential
- Business Districts 1 and 4
- Industrial Districts 1-3

**Eating and drinking establishments are subject to numerous zoning criteria, in addition to location, which determine whether or not the use is permitted in a given district. Refer to the North Andover Zoning Bylaw for specifications on permitted uses.

ALCOHOLIC BEVERAGE LICENSE

WHAT IS AN ALCOHOLIC BEVERAGE LICENSE?

An alcoholic beverage license is required for establishments handling alcoholic beverages including retail pouring or package sales.

WHO NEEDS TO GET AN ALCOHOLIC BEVERAGE LICENSE?

Any business that sells, stores, distributes, serves or delivers alcohol must have an alcoholic beverage license.

WHERE DO I GET AN ALCOHOLIC BEVERAGE LICENSE?

Alcoholic beverage licenses must be approved by the Select Board as well as the Massachusetts Alcoholic Beverages Control Commission (ABCC). North Andover has a limited number of alcohol licenses. For more information, inquire with the Town Clerk.

HOW DO I GET AN ALCOHOLIC BEVERAGE LICENSE?

All applicants must complete the North Andover General Application and the appropriate ABCC form. Most businesses will use the ABCC New Retail License form for on-premises sales (i.e. restaurants, hotels, clubs, veterans clubs, convenience stores, and supermarkets). Both forms are linked on the [North Andover Licensing Commissioners web page](#).

FEES

Fees are payable to the ABCC with the application. Once the license is approved, a license fee must be paid to the town.

STEP-BY-STEP

1. **Complete the appropriate online application** on ABCC's website and then print and sign it.
2. **Submit the application** to the Select Board. The application will be posted as an agenda item for the Board. You will need to appear before the Board at the posted time.
3. **The Select Board will review your application** and determine whether to approve it at the local level.
4. If approved, **the Board will forward the application to the ABCC** for its approval.
5. Once approved by the ABCC, **the Board of Selectmen will issue you the alcoholic beverages license.**

BUILDING PERMITS

WHAT IS A BUILDING PERMIT?

Building permits are issued to licensed contractors and owners to allow construction work.

WHO NEEDS TO GET A BUILDING PERMIT?

Building permits are required to construct, reconstruct, alter, repair, remove or demolish a building or structure. A building permit must be obtained **before** the start of any work.

The following are common projects that do not require a building permit, however, zoning and building codes should always be consulted for proper construction:

- Fences seven feet or less in height
- Painting, tiling, carpeting, cabinetry, and counter tops
- One story detached accessory storage sheds with less than 120 square feet of floor area*
- Greenhouses covered exclusively with plastic film used solely for agricultural purposes

WHAT OTHER PERMITS DO I NEED?

All gas, electric, or plumbing work (even small projects) require separate permits from the Building Department and work must be carried out by a licensed professional. Permits must be obtained before work has started.

Permits may also be required for work with sheet metal, new signs, furnaces, boilers, air conditioners, rooftop units, tents, generators, and emergency generators. Some projects may require permissions from other departments.

WHERE DO I GET A BUILDING PERMIT?

The Building Department issues building permits. Permits can be obtained on-line through the [Town's Viewpoint permitting portal](#). Before submitting a Building Permit Application, review the [Building Department Checklist](#) or reach out to the Building Department to ensure that your application is complete.

STEP-BY-STEP

1. **Verify the project is allowed under zoning.** Obtain a special permit from the Planning Board or variance from the Zoning Board of appeals, if necessary.
2. **Submit your complete application** with proper documentation, as detailed in the [Building Department Checklist](#).
3. **A building permit will be issued** for complete applications for code compliant projects.
4. Completed projects will be inspected and, if the project is up to code, **the Building Inspector will issue a Certificate of Use and Occupancy.**

*Accessory buildings in residential zoning districts may only be a maximum of 64 square feet. Projects that meet state building code must still comply with local zoning bylaws.

CONSERVATION

ABOUT WETLAND PROTECTION

It is important that businesses be able to operate and grow in town, without harming North Andover's valued natural resources. The North Andover Conservation Commission and Conservation Department enforce the Massachusetts Wetlands Protection Act, as well as local wetland protection bylaws. This process involves assessing wetland resources on site, reviewing on-site activities, and issuing permits to appropriate projects

WHAT DO WETLAND PROTECTIONS PROHIBIT?

The North Andover Wetlands Protection Bylaw in conjunction with the Massachusetts Wetlands Protection Act, prohibit the following activities in protected wetland areas (see list below).

Regulated Activities

- Removal
- Filling
- Dredging
- Discharging into
- Building upon
- Altering

WILL YOUR BUSINESS REQUIRE REGULATED ACTIVITIES IN PROTECTED WETLAND AREAS?

This will require a permit. You will need to file a *Notice of Intent* with the Conservation Commission.

ARE YOU UNSURE IF YOUR BUSINESS WILL INVOLVE REGULATED ACTIVITIES IN PROTECTED WETLAND AREAS?

You can file a *Request for Determination of Applicability* with the Conservation Commission.

WILL YOUR BUSINESS BE IN THE WATERSHED PROTECTION DISTRICT?

Special Permits from the Planning Board are required for certain projects within a range of buffers from wetland areas in the Watershed Protection District. *See watershed protection buffer zones*

Protected Wetland Areas

- Vegetated wetlands (isolated or bordering a water body)
- Ephemeral pools
- Any bank, beach, marsh, wet meadow, bog, or swamp
- Land beneath a fresh water body (rivers, creeks, ponds, and lakes)
- Land within 100 feet of any of the above wetland areas
- Land subject to storm flows or flooding
- Land within 200-feet of a river

The Conservation Department can offer advice and may be able to provide site inspections to determine necessary permits and best practices for environmental protection.

Amy Maxner
Conservation Administrator
(978)688-9530
amaxner@northandoverma.gov
Town Hall
120 Main St
North Andover, MA 0845

North Andover offers an interactive map that shows wetlands, natural resource protection areas, zoning, and more.

Use the interactive map here



BUSINESS RESOURCES



Massachusetts Office of Business Development (MOBD)

MOBD is a state agency that offers a variety of resources to support businesses, including information on *starting businesses* and *small business assistance grants*.



Massachusetts Small Business Development Center (MSDC)

MSDC is a network of organizations that connect businesses with experts and students at the State's public colleges and universities. The network provides *low-cost training opportunities*, as well as *counseling services*.



MassDevelopment

MassDevelopment is a state agency that provides technical and financial assistance on an array of economic projects. They offer *loans and incentives, technical assistance for businesses and development*, and *industry-specific support*.



Merrimack Valley Chamber of Commerce (MVCC)

MVCC is a membership-based organization that provides programs and services for businesses throughout the region, including *counseling, networking*, and *informational events*.



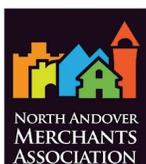
Merrimack Valley Planning Commission (MVPC)

The MVPC is a public agency that supports local and regional planning efforts in the Merrimack Valley. The Commission maintains an *expansive data portal, a revolving loan fund for businesses*, and *many insightful planning documents*.



Mill Cities Community Investments

MCCI is a community development financial institution providing banking services that greatly benefit the community, as well as, *flexible loans for low-to moderate income people, small loans to help build credit, business training*, and a *business equity fund*.



North Andover Merchants Association

The North Andover Merchants Association is a membership-based organization that consists of local business owners and representatives, whose mission is to promote and support local businesses.



WeAreMV.com

This website supports businesses in the region by providing property search functions, business toolkits, and news on the local economy.



MVOpenForBusiness.org

This website connects businesses with grants and resources in North Andover and the surrounding communities.