

LICENSE

FLAMMABLE STORAGE ABOVE / UNDER GROUND

PURPOSE: A License to store flammable liquids is required and must be approved by the Fire Chief, the Board of Selectmen and the State.

REFERENCE: MGL Chapter 148 Section 13
527 CMR 9:00
Fire Chief
Board of Health Regulations
Town Code 167-7

FEE: New \$50 License Fee plus \$50 Registration Fee
Renewal \$50

EXPIRATION: Continues with the property (not owner) unless revoked.
Certificate of Registration must be filed with the Town Clerk annually during the month of April each year.

NOTE: Town Code 167-7 allows **filling stations** in business zones only and requires a special permit from the Zoning Board of Appeals. Planning Board site plan review is also required.

Special Town Meeting 1/22/90 Article 7 prohibits installation of fiberglass underground storage tanks

NEW LICENSE

BOARD OF SELECTMEN

- (1) Give applicant instructional sheet with all pertinent forms (see attached)
- (2) Applicant fills out top part of Application for License (sample attached) and submits to the Selectmen ***provided that***
 - Approval by the Fire Chief is indicated on the application form
 - A special permit (ZBA) and/or site plan (Planning Board) is not required. If either is required, do not proceed until such action has been completed.
 - An abutters list has been obtained from the Assessor's Office
- (a) Advertise public hearing at least seven (7) days prior to meeting date (at applicant's expense) - see sample hearing attached

A copy of the hearing notice is sent to the applicant, Fire Chief, Planning Board, Police Chief, Town Clerk and ZBA
- (b) Applicant must notify abutters (adjacent to and directly opposite property) by certified mail at least seven (7) days prior to the hearing.
- (c) At the hearing, the applicant must provide:
 - Proof of abutter notification (green cards)
 - Proof no taxes are owed
 - Attestation (attached)
 - Worker's Compensation Affidavit
 - Occupancy Permit from Building Inspector (if applicable)
 - Special Permit from ZBA (if applicable)
 - Site Plan from Planning Board (if applicable)

Upon approval of the application and payment of License fee:

(A) SELECTMEN

The Selectmen sign the License. **THE LICENSE IS NOT RELEASED TO THE APPLICANT AT THIS TIME.**

The original License, a copy of the application and a copy of the License are given to the Town Clerk.

A copy of the application and a copy of the License are given to the Fire Chief.

The original application and a copy of the License are kept on file in the Selectmen's Office.

(B) FIRE CHIEF - NOTIFICATION

The Fire Chief will provide the Licensee with the Certificate of Registration Application and Form. The Licensee then fills out the application (top half) and brings it to the Town Clerk for processing.

The Fire Chief completes the Notification Forms and processes the forms with the State. The Chief provides the Town Clerk with a copy of all completed documentation to be retained in the Town Clerk file.

(C) TOWN CLERK - CERTIFICATE OF REGISTRATION

The Town Clerk holds the original license until the Certificate of Registration Application and Form are completed by the applicant and the Town Clerk.

RENEWAL / REVOCATION

- (1) Owner must renew license with the Town Clerk *on or before April 30th* of each year.
- (2) If renewal is not made and/or the fee not paid, the Town Clerk may turn the matter over to the Selectmen for action.
- (3) If the Board determines revocation of the license is in order, the Selectmen must hold a hearing prior to revoking a license:
 - (a) Notification to the licensee ten (10) days in advance of the hearing is required. Notification should be sent via Certified Mail and must include the date, time, place and purpose of the hearing. A copy of the hearing notice is given to the Town Clerk and Fire Chief.
 - (b) Publication of the hearing in a newspaper is NOT required.
- (4) Upon revocation of a license:
 - (a) All tanks must be removed within the time period required by State Law
 - (b) Notification of revocation is sent to the License Holder, Town Clerk and Fire Chief.

APPLICANT INSTRUCTIONS
FLAMMABLE STORAGE LICENSE

NAME: _____

ADDRESS _____

TYPE OF FUEL _____

LOCATION _____ **ABOVE GROUND** _____ **BELOW GROUND**

NUMBER OF GALLONS _____

	ACTION REQUIRED
	CHECK WITH PLANNING BOARD – DO YOU NEED SITE PLAN?
	CHECK WITH ZBA – DO YOU NEED SPECIAL PERMIT?
	FILL OUT TOP PART OF APPLICATION
	FIRE CHIEF MUST APPROVE APPLICATION BEFORE SUBMITTING TO SELECTMEN
	GET CERTIFIED ABUTTERS LIST FROM ASSESSORS LIST OF ABUTTERS THAT ARE ADJACENT TO AND DIRECTLY OPPOSITE PROPERTY
	SELECTMEN SET DATE FOR PUBLIC HEARING
	SELECTMEN ADVERTISE PUBLIC HEARING; APPLICANT PAYS FOR AD
	APPLICANT MUST NOTIFY ABUTTERS BY CERTIFIED MAIL AT LEAST SEVEN (7) DAYS PRIOR TO THE HEARING DATE AND PROVIDE PROOF OF ABUTTER NOTIFICATION TO SELECTMEN NO LATER THAN THE TIME OF HEARING
	PROVIDE THE FOLLOWING TO SELECTMEN OFFICE BY TIME OF HEARING Attestation Worker's Compensation Affidavit Occupancy Permit (if applicable)
COMPLETE STEPS BELOW FOR APPROVED LICENSES	
	FILL OUT FOLLOWING DOCUMENTS AND SUBMIT TO THE FIRE CHIEF FOR HIS SIGNATURE (FIRE CHIEF PROCESSES AS INDICATED ON EACH FORM): Application for Certificate of Registration Application for Permit Notification for Storage Tanks

ONCE COMPLETED - RETURN TO THE SELECTMEN'S OFFICE

**MASSACHUSETTS DEPARTMENT OF REVENUE
REVENUE ENFORCEMENT AND PROTECTION (REAP) ATTESTATION**

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

*Signature of Individual or Corporate Name (Mandatory)

BY: CORPORATE OFFICER (MANDATORY, IF APPLICABLE)

**Social Security # (Voluntary) or Federal Identification Number

* This license will not be issued unless this certification clause is signed by the applicant

** Will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Laws Chapter 62C Section 49A.

FLAMMABLE STORAGE

MGL CHAPTER 148

Section 13. Licenses for land for explosives and inflammable materials; certificate of approval; record; certificate of registrations; fees; replacements and alterations of, and regulations for buildings; explosion hazard; appeals to marshal

No building or other structure shall, except as provided in section fourteen, be used for the keeping, storage, manufacture or sale of any of the articles named in section nine, unless the local licensing authority shall have granted a license to use the land on which such building or other structure is or is to be situated for the aforementioned uses, after a public hearing, notice of the time and place of which hearing shall have been given, at the expense of the applicant, by the clerk of the city or of the local licensing authority, by publication, not less than seven days prior thereto, in a newspaper published in the English language in the city or town wherein said land is situated, if there is any so published therein, otherwise in the county in which such city or town lies, and also by the applicant by registered mail, not less than seven days prior to such hearing, to all owners of real estate abutting on said land or directly opposite said land on any public or private street as they appear on the most recent local tax list at the time the application for such license is filed, and unless the application for such license shall have endorsed thereon the certificate of approval or disapproval of the head of the fire department. Such license shall be recorded in the office of the city or town clerk, and it shall, from the time of the granting thereof by the licensing authority, be deemed a grant attaching to the land described therein and as an incident of ownership thereof running with the land and shall not be deemed to be merely a personal privilege. Any license granted hereunder, or any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, shall remain in force unless and until revoked as hereinafter provided. Any such license granted hereunder shall be subject to such conditions and restrictions as may be prescribed in the license by the local licensing authority, which may include a condition that the license be exercised to such extent and within such period as may be fixed by such authority.

The owner or occupant of said land licensed as herein provided, and the holder of any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, shall annually, on or before April thirtieth, file with the clerk of the city or town where such license is to be or has been exercised, or in Boston, with the fire commissioner, or in Cambridge, with the board of license commissioners, a certificate of registration setting forth the name and address of the holder of such license; provided, that no certificate of registration shall be required for any building used as a garage for storing not more than three vehicles, when once used under such a license. The board may by regulation prescribe the amount of any of the articles named in section nine that may be kept in a building or other structure without a license and registration, or either of them.

Such fee as may be established from time to time by ordinance or by-law may be charged for any such license, registration or certificate of the head of the fire department, respectively.

Every license granted under this section, and every certificate of registration filed under this section, shall be deemed to be granted or filed upon condition that if the land described in the license ceases to be used for the aforementioned uses, the holder of the license shall within three weeks after such cessation eliminate, in accordance with rules and regulations of the board, all hazardous conditions incident to such cessation. If the holder of the license fails so to eliminate such conditions, the local licensing authority may eliminate such conditions; and a claim for the expense incurred by the local licensing authority in so doing shall constitute a debt due the city or town upon the completion of the work and the rendering of an account therefore to the holder of the license, and shall be recoverable from such holder in an action of

contract. Said debt, together with interest thereon at the rate of six per cent per annum from the date said debt becomes due, shall constitute a lien on said land if a statement of claim, signed by the local licensing authority, setting forth the amount claimed without interest is filed, within ninety days after the debt becomes due, with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies. Such lien shall take effect upon the filing of the statement aforesaid and shall continue for two years from the first day of October next following the date of such filing. Such lien may be dissolved by filing with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies, a certificate from the collector of the city or town that the debt for which such lien attached, together with interest and costs thereon, has been paid or legally abated. Such collector shall have the same powers and be subject to the same duties with respect to such claim as in the case of the annual taxes upon real estate; and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof, and the redemption of land so sold or taken shall apply to such claim.

The marshal may, upon application and after a public hearing, reinstate and continue in force and effect any license granted prior to July first, nineteen hundred and thirty-six, for the keeping, storage, manufacture or sale of any of the articles named in said section nine, irrespective of the extent of the use and occupancy of buildings or other structures made or had under said license prior to the date of such reinstatement and continuance, anything in the provisions of this chapter to the contrary notwithstanding, unless prior to such reinstatement and continuance said license has been revoked for cause or the marshal shall have determined that a fire or explosion hazard would result from the exercise of such license. The marshal shall give written notice of such application, and of the date of the hearing thereon, to the head of the fire department of the city or town wherein is situated the land to which such application relates and shall, after such hearing, notify in like manner the clerk of such city or town of the action taken on such application.

Any license granted hereunder between July first, nineteen hundred and thirty-six and August seventeenth, nineteen hundred and fifty-one, both dates inclusive, not exercised for a period of at least three years, may be revoked by the local licensing authority after notice and hearing given to the owner or occupant of the land licensed.

When a fire or explosion hazard exists or is liable to exist due to the exercise of such license, the marshal or the head of the fire department, shall issue an order to the licensee to cease and desist in the exercise of such license and said marshal or said head of the fire department shall direct that reasonable measures to insure safety to the public be undertaken at the expense of the holder of such license.

Any license granted hereunder or any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, may be revoked for cause, after notice and a hearing given to such owner or occupant, by the local licensing authority or by the marshal. Any building or structure erected or maintained under any of the aforementioned licenses shall always be subject to such replacements and alterations in construction and to such regulations of its use in respect to protection against fire or explosion as the board may prescribe.

Any person aggrieved by the granting of a license hereunder on the ground that the exercise thereof would constitute a fire or explosion hazard may, within ten days after the granting thereof, appeal to the marshal who, after notice and hearing, shall finally determine whether such a hazard would result. If, in his opinion, such a hazard would result, he shall notify the authority granting the license, and such notice when received by such authority shall constitute a revocation of such license and no further license for the same or similar use of the same land shall be granted within one year after the receipt by such authority of such notice.