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Karen L. Cadieux, Mayor of Easthampton
Jackie Duda, Easthampton Board of Health Agent
Joseph Fydenkevez, Easthampton Building Commissioner
Thomas Quinlan, Easthampton Building Inspector
Wayne Henneman, Easthampton Fire Department Captain & Safety Inspector
Moe Belliveau, Executive Director Easthampton Chamber of Commerce
Patrick Brough, Finck & Perras Insurance Agency
David Boyle, A-Z Storage & Properties

Prepared by the City of Easthampton Planning Department

Jessica Allan, City Planner
Jamie Webb, Assistant Planner

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Matthew Wright, bubgourmand.com; Sven Kielhorn, svenkielhornphotography.com;
Denise Riggs, Massachusetts Office of Travel & Tourism; straythere.wordpress.com
Mayor’s greeting

Whether you are looking to open a new business or relocate to the City of Easthampton you’ve made an excellent choice. We hope this guidebook helps you navigate the permitting, licensing, and zoning processes of opening or expanding a business in Easthampton.

We recognize that the municipal process can sometimes seem to be quite complex and overwhelming, especially if it is your first venture in opening a business or if you are trying to navigate the process of permitting and licensing on your own. The goal of this guide is to provide an easy to use resource that enables small business owners to better understand the existing municipal processes in Easthampton and to save time and money by following a defined process with expected results.

This guide is divided into the following sections:

- **Getting started** provides a brief overview of the permits required for every business, for those specific to food/beverage establishments and home-based businesses, and where to turn to in this guide for more specific information on these permits.
- **Approvals for other business activities** provides information regarding the approval process for a few less common business activities such as using the sidewalk in front of your business, holding special events, and complying with the American with Disabilities Act.
- **Detailed information for permits and licenses** provides detailed information on each permit, including submittal requirements, costs, timelines, and other relevant information.
- **Finding the right location and other business matters** provides advice from the Easthampton Chamber of Commerce and their members for new business owners regarding the signing of a lease, common landlord/tenant issues, and questions about insurance.
- **An appendix** containing links to resources and organizations that can help with the development of business plans and obtaining financing.

If you are new to the area, we have a large variety of spaces each with their own unique atmosphere to complement your business needs. There are small-to-medium sized commercial/retail spaces in the Cottage Street Cultural District, the Main Street historic district, and in the many recently revitalized Mill Buildings scattered throughout the City. There are two industrial parks dedicated solely for industrial and manufacturing uses, and a handful of smaller-scale neighborhood business districts.

As you move forward and prepare to open your business, please keep in mind that licenses and permits are required so as to ensure the health and safety of all members of the community and that city staff is available and more than happy to assist you with your process.

The City of Easthampton welcomes you and we hope this guide is a valuable tool as you prepare to open your business.

Karen L. Cadieux, Mayor
## Table of Contents

Part 1 – Getting Started ................................................................................................................................ 5
  All businesses throughout the city.................................................................................................................... 5
  Food / beverage establishments....................................................................................................................... 5
  Home based businesses ................................................................................................................................. 6
  Zoning Approval ............................................................................................................................................. 6

Part 2 – Approvals for Other Business Activities .......................................................................................... 7
  Participation in Art Walk ................................................................................................................................. 7
  Holding Special Events ................................................................................................................................... 7
  Using the Sidewalk .......................................................................................................................................... 7
  The Americans with Disability Act (ADA) ....................................................................................................... 7

Part 3 – Detailed Information for Permits and Licenses .............................................................................. 9
  Certificate of Occupancy ............................................................................................................................... 9
  Annual Certificate of Inspection ..................................................................................................................... 9
  Building Permit ............................................................................................................................................. 9
  Business Certificate ...................................................................................................................................... 10
  By-Right Use Approval .................................................................................................................................. 10
  Site Plan Approval ....................................................................................................................................... 10
  Special Permit ............................................................................................................................................ 11
  Food Establishment Permit & Plan Review Approval .................................................................................... 11
  Common Victualler License ............................................................................................................................ 12
  Alcoholic Beverage License .......................................................................................................................... 12
  Special (1-Day) Alcoholic Beverage License .................................................................................................. 13
  Entertainment License ................................................................................................................................ 13
  Motor Vehicle Sales License .......................................................................................................................... 13
  Home Occupation Permit ............................................................................................................................... 14
  Sign Permit .................................................................................................................................................. 15
  Variances ..................................................................................................................................................... 15

Part 4 – Finding the Right Location and Other Business Matters ............................................................... 16
  Landlord / Tenant Considerations before Signing a Lease ........................................................................... 16
  Insurance .................................................................................................................................................. 17

Appendix A – Commonly Used Terms ............................................................................................................. 18

Appendix B – Help with Business Plans and Financing ............................................................................. 19
Part 1 – Getting Started

Every business needs approvals and/or permits in order to legally operate in the City. The permits you need will depend on the scope of your proposed development. Businesses in Easthampton generally fall into one of three broad categories of use – retail/service/office, food/beverage, or home-based businesses. The larger and more complex the project, the more permits will likely be required; however, most businesses will just need the permits/approvals listed in this section.

All businesses throughout the city

- You may need Zoning Approval from the Zoning Enforcement Officer or Planning Department before you can do anything else – Page 6
- You will need Building Permit from the Building Commissioner if you are doing any construction, demolition, remodeling, alterations, or renovations to the property whether they be interior or exterior – Page 9
- You will need a Certificate of Occupancy from the Building Commissioner in conjunction with the Fire Department before you are allowed to open or inhabit the structure and you will need to pass an Annual Certificate of Inspection to remain open in subsequent years – Page 9
- You need a Business Certificate from the City Clerk to operate a business under any name other than the complete legal name of the person, partnership, or corporation conducting the business – Page 10
- You will need a Sign Permit from the Building Commissioner in order to install or change any business signage – Page 15

Food / beverage establishments

- You need to follow the above regulations pertaining to all businesses throughout the city
- You need a Food Establishment Permit from the Board of Health and may need Plan Review Approval for projects involving construction/renovations and/or a Mobile Vendor Permit – Contact the Board of Health Agent to determine applicability – Page 11
- You need Food Safety Training, Allergen Awareness Training, and Choke-saver Training from an approved trainer/organization – Contact the Board of Health Agent for more information
- You will need an Alcoholic Beverage License from the Easthampton Licensing Board and the Massachusetts Alcoholic Beverage Control Commission (ABCC) to serve Alcoholic Beverages or allow customers to bring their own alcohol – Page 12
- You will need a Responsible Alcohol Server Certification from an organization such as ServSafe or TIPS, to serve Alcoholic Beverages or allow customers to bring their own alcohol – Contact the Licensing Commission for more information on this certification
- You may need additional approvals/permits from the Board of Health, Building Department, and Fire Department depending on the proposed activities, the method in which food is cooked, and the amount of people and capacity of the space – Contact the Building Commissioner and Board of Health Agent to determine what will be required for your project
Home based businesses

- You need to follow the above regulations pertaining to all businesses throughout the city
- You need a **Home Occupation Permit** from the Zoning Enforcement Officer or Zoning Board of Appeals depending on the intensity and potential impact of the proposed use – Page 14
- Depending on your business activities, you may need a **Certificate of Occupancy** and **Annual Certificate of Inspection** from the Building Commissioner and Fire Department – Page 9

Zoning Approval

Zoning regulates the use of property so as to balance private property rights with the City’s obligation to protect the public health, safety, and welfare of its residents. Your business may not be permitted to operate in certain areas of the City depending on the proposed business activities.

To understand what uses are allowed in which locations and the applicable associated permitting process, please consult *Easthampton's Official Zoning Map* and *Table 5-1 of the Easthampton Zoning Ordinance* (both available at www.easthampton.org) and contact the Planning Department or Zoning Enforcement Officer.

There are four distinct permitting processes by which you may receive zoning approval:

- **By-Right Use Approval**: for uses that are generally considered to be compatible with the needs of the community and appropriate for the character of the neighborhood. These activities are authorized by the Zoning Enforcement Officer and do not require additional zoning review – Page 10
- **Site Plan Approval**: for uses that are consistent with the needs of the community but require the approval of the Planning Board to make sure that the implementation does not have a negative impact on the health, safety, and general welfare of the neighborhood – Page 10
- **Special Permit**: for uses that have the greatest potential to negatively impact the community and therefore require abutter notification and a public hearing consisting of a detailed examination of the project by the Planning Board or Zoning Board of Appeals – Page 11
- **Variances**: the Zoning Board of Appeals may grant relief from dimensional (lot area, height, bulk, setbacks, etc.) or parking requirements as set forth in the Zoning Ordinance in order to prevent an unconstitutional taking of property. No variance may authorize a use that is prohibited by the Zoning Ordinance – Page 15

Depending on the level of review required by the City, zoning approval can take upwards of three to four months and cost approximately $500, which includes application fees, legal advertisements, abutter notification, and fees for filing required documents at the Hampshire County Registry of Deeds.
Part 2 – Approvals for Other Business Activities

Depending on the proposed business activities, additional permitting or site improvements may be required. The following list of common business activities needing approval are listed to help you understand some of the actions that trigger these permits and improvements.

Participation in Art Walk
Anyone can participate in Art Walk and other ECA+ events. For more information visit their website www.easthamptoncityarts.com/artwalk_participate or contact arts@easthampton.org

Using the Sidewalk
The sidewalk in front of your business may be publicly and/or privately owned. In the downtown area, property lines are generally located along the centerline of the sidewalk. If the sidewalk is partially public and partially private then you will need to determine where your property ends and confine all business activities to the privately owned areas.

Regardless of sidewalk ownership, you may not restrict the free-flowing movement of pedestrians. A continuous unobstructed passage, at least four feet in width, must be provided on the sidewalk for pedestrians.

Any business use occurring on publicly owned sidewalks or streets will require the written approval of the Department of Public Works. The DPW may, at their discretion, require additional review and approval from the Police Department.

You may need a permit from the Fire Department to use liquefied propane gas or other combustible/flammable materials for the purpose of vending on the sidewalk. Check with the Fire Department to determine the applicability of this requirement.

The Americans with Disability Act (ADA)
The American with Disabilities Act (ADA) is a Federal civil rights law that prohibits discrimination against people with disabilities. Small businesses may be required to make accommodations for people with disabilities to ensure that they do not unintentionally exclude people with disabilities. The

Holding Special Events
Whether you are holding a one-time event at your place of business or planning for recurring events, you will need to obtain a permit or license to do so and you may be required to conduct building or site improvements.

Fire suppression systems and other safety equipment is required by the Massachusetts Building and Fire Codes depending on the anticipated number of people inside your space at one time during your event, the size of your place of business, its total rated occupancy load, and the use group of your event and business. You will need to schedule an appointment with the Building Inspector to determine the specific requirements for your business and event. A stamped architectural drawing/narrative may be required to receive approval.

Serving food and non-alcoholic beverages at an event necessitates that you or your vendor obtain a Temporary Food Establishment Permit or Mobile Vendor Permit (Page 11) from the Board of Health. If the mobile vendor/caterer is already permitted by the Board of Health to work in Easthampton then no further permitting is needed from the Board of Health.

Serving alcoholic beverages at your event will require you to have a Special (1-day) Alcoholic Beverage License (Page 12) from the Licensing Board. The Board may also require you to get
ADA applies to both the built environment and to policies and procedures that affect how a business provides goods and services to its customers.

Businesses that fall under the jurisdiction of the ADA are required to

- remove architectural barriers in existing buildings
- make sure that newly built or altered facilities are constructed to be accessible to people with disabilities
- modify their policies and procedures to serve customers with disabilities and take steps to communicate effectively with customers with disabilities

For specific guidance on the ADA regarding when a business falls under their jurisdiction and needs to make accommodations and/or remove barriers in existing facilities see the US Department of Justice’s ADA guide for small business: www.ada.gov/regs2010/smallbusiness/smallbusprimer2010.htm

approval from the Fire Department which may include a pre-event fire inspection.

Providing live entertainment at any place serving alcoholic beverages requires an Entertainment License (Page 13) from the Licensing Board in addition to an alcoholic beverage license. Live entertainment is a broad category that includes concerts, dances, exhibitions, cabarets, and any type of public show. Some specific examples are: dancing by patrons, entertainers, or performers; playing of recorded or live music; using an amplification system; conducting theatrical plays, exhibitions, movies, films, or floor shows; or having any kind of dynamic audio or visual show whether live or recorded. The Licensing Board will grant an entertainment license after evaluating your application and finding that there are no negative impacts to public health, safety, and order.
Part 3 – Detailed Information for Permits and Licenses

In order by most commonly needed to least commonly needed for most business owners. Most of the forms listed in this section can be downloaded from the city website easthampton.org.

Certificate of Occupancy

The Certificate of Occupancy (CO), or Occupancy Permit, makes sure that your business space complies with the Massachusetts Building and Fire Codes and that it is safe for the general public to be in your space. You will not be allowed to open your business until you receive your CO. The specific elements of your inspection will vary depending on your proposed activities/use and business plan.

There are two tiers of inspection with different requirements depending on the occupancy load and use group. Generally, all inspections will review the following to make sure that:

- Egress to the outside is free flowing and does not go through adjoining spaces
- Doors do not stick and are not wedged open
- Automatic door closers work appropriately
- Locks and latches on doors work appropriately and panic hardware is installed
- Fire extinguishers are present and not expired
- Emergency lighting, exit lighting, and illuminated exit signs are installed and work appropriately
- Exterior stairways have been inspected by a professional engineer and safe for public use

Occupancy by 50 people or more, use of open flames, and/or use of machines/appliances that generate high heat (e.g. deep fryers) will require additional fire safety equipment and inspections which may include: fire alarm, sprinkler, and Ansul or similar systems tests and/or reports.

Contact the Building Department to schedule your inspection. The Building Inspector will coordinate the inspection with the Fire Department. As of 2016, the cost of an inspection is $75 and will take as long as it is necessary to fulfill all of the code requirements.

Annual Certificate of Inspection

The Annual Certificate of Inspection is a mandatory yearly inspection of all places open to the public. This inspection has the same inspection requirements as the Certificate of Occupancy and is also conducted by the Building Inspector in conjunction with the Fire Department. If your place of business does not pass the Annual Inspection, you may be required to close until the issues are resolved.

Contact the Building Department to schedule your inspection. The Building Inspector will coordinate the inspection with the Fire Department. As of 2016, the cost of an inspection is $75.

Building Permit

Before you are allowed to do any interior or exterior construction, demolition, remodeling, alterations, or renovations to your property you will need to receive a Building Permit from the Building Commissioner. This permit is needed to make sure that your proposed work complies with the Easthampton Zoning Ordinance, the Massachusetts Building and Fire Codes, and that your contractors are licensed to work in Massachusetts. The specific code requirements will vary depending on your proposed activities/use and business plan. A stamped architectural drawing/narrative may be required by the Fire Department and/or Building Department to receive approval. Schedule an appointment to talk with the Building Inspector to determine the specific requirements for your space and use.
As part of the permit application process, you will need to obtain the written approvals of the Fire Department, City Planner, Conservation Commission, Department of Public Works, Board of Health, and Tax Collector to show compliance with the regulations of their areas of expertise before you can submit your application to the Building Commissioner. Once you receive those approvals, the Building Commissioner will review your proposed work for compliance with building, electrical, gas, and plumbing codes and will make a determination on your request for a building permit within thirty days of submitting your application.

The cost of the permit varies depending on the use group and proposed activity. For the current list of fees, contact the Building Department or visit their departmental page at easthampton.org.

**Business Certificate**

A business certificate is a legal document that registers your business in Easthampton under the laws of the State of Massachusetts and identifies who is operating the business if it is operated as a “d/b/a” (doing business as). Any person, partnership, or corporation operating or planning to operate a business under any name other than the complete real name of the person, partnership, or corporation conducting the business must file a business certificate with the City Clerk.

This certificate is not a license to do business in the City. The primary purpose of filing is to protect consumers and creditors by identifying the names and addresses of the owners of the business. The public has a right to know who owns a particular business, since a customer will not know who owns the business simply by the name of the business.

The certificate can be obtained through the City Clerk’s office and requires the signature of the Building Commissioner to show compliance with zoning. The certificate must be renewed every four years and cost $40 as of 2016.

**By-Right Use Approval**

Uses that are permitted by-right are generally considered to be compatible with the needs of the community and appropriate for the character of the neighborhood and therefore do not require approval from the Planning Board or Zoning Board of Appeals. When a building permit is required for a by-right use, the Zoning Enforcement Officer verifies zoning compliance and endorses the use with the issuance of the building permit. For more information see Building Permits (Page 9).

**Site Plan Approval**

Uses that are permitted by Site Plan Approval are generally considered to be consistent with the needs of the community but require the review and approval of the Planning Board to make sure that the use and/or its implementation does not negatively impact the neighborhood.

Any use designated “SPA” in the Zoning Ordinance’s Table of Uses (Table 5-1) must submit an application and site plan, in accordance with Section 12.9 of the Zoning Ordinance, to the Planning Board for review and approval. The Planning Board will review the site plan approval application at a duly noticed public meeting and will grant approval after their concerns with the project, if any, are addressed by the applicant. The entire permitting process usually takes 30-60 days from the date of application submission, depending on the completeness of the application. As of 2016, the application fee was $100.
Special Permit

Special Permits are required for uses that are generally perceived to have the greatest potential to negatively impact the community and therefore require the highest level of zoning review. Special Permits require abutter notification, legal advertisements, and a detailed examination of the proposed project at a public hearing conducted by the Planning Board or Zoning Board of Appeals. Special Permits are discretionary and may be denied by the Special Permit Granting Authority.

Depending on the location of your business and the proposed use, either the Planning Board or the Zoning Board of Appeals will review your application. Consult the Zoning Ordinance Table of Uses (Table 5-1) to determine which board has jurisdiction for your business. Uses designated “SPB” are reviewed by the Planning Board and uses designated “SP” are reviewed by the Zoning Board of Appeals.

Special Permit applications must include a site plan, narrative, and other pertinent data as required in Section 12.7 of the Zoning Ordinance. The Board will review the application to make sure that the proposed use will not have a negative impact on the health, safety, and general welfare of the community. Depending on the complexity of the proposal, outside consultants may be hired by the Board at your expense to review submitted data and/or get a second opinion on data that is outside of the Board’s expertise.

The entire Special Permit process usually takes about two to three months but may take longer depending on the complexity of the application and the number of meetings the Board needs to hold to resolve the issues particular to your application. After the public hearing concludes and the written decision is submitted to the City Clerk’s office, you must wait for the mandatory 20-day appeal period to conclude before being able to act on the Special Permit.

As of 2016, the cost for submitting a Special Permit application to the Planning Board is $100 and $150 to the Zoning Board of Appeals. In addition, the cost to run the two required legal advertisements in the Daily Hampshire Gazette is approximately $200 and the fee to file the special permit decision at the Hampshire County Registry of Deeds is $75.

Food Establishment Permit & Plan Review Approval

A Food Establishment Permit is required for anyone who is selling food regardless of whether it is from their home, in a commercial establishment, at a farmer’s market, as a mobile vendor, or at some other location/event. The permit can be obtained from the Board of Health and can either be for a long-term or temporary use. If you are planning to do any construction, remodeling, or renovations in a place that prepares or sells food you may need to first obtain Plan Review Approval from the Board of Health as a prerequisite to applying for a Food Establishment Permit.

Anyone seeking these permits should schedule a meeting with the Board of Health Agent to discuss your plans and the applicable Health Code requirements. You will, at the minimum, need to undergo or provide documentation of Food Safety Training, Allergen Awareness Training, and Choke-saver Training.

Allow at least 30 days to receive Plan Review Approval or a Food Establishment Permit if everything complies with the current Health Codes. Depending on the complexity of the permit and your ability to resolve code violations, it could take much longer. The cost of the permit varies depending on the use group and proposed activity. For the current list of fees, contact the Board of Health or visit their departmental page on the city website.
**Long-term Food Establishment Permits** are valid for one year and may be renewed annually with payment of the application fee and satisfactorily passing an annual inspection.

**Temporary Food Establishment Permits** are for valid for events of a duration of fourteen days or less. You must complete the Board of Health application for a Temporary Food Establishment Permit and have current ServSafe and Allergen Awareness certifications.

**Common Victualler License**
A common victualler license is required under Massachusetts General Laws, Ch. 140 Sec. 2 through 20 for any person who has the facilities for cooking, preparing and serving food for strangers and travelers. The license is obtained from the Licensing Board. For more information, contact the Mayor’s office to speak with the Licensing Board’s Clerk.

**Alcoholic Beverage License**
An alcoholic beverage license is required for any person or business to sell, serve, store, distribute, deliver, or produce any type of alcoholic beverage. Alcoholic beverage licensure is a three-stage process that requires primary approval at the local level by the Easthampton Licensing Board (the “Board”); secondary approval by the Massachusetts Alcoholic Beverages Control Commission (the “ABCC”); and thirdly, the issuance of the license by the Board after payment of the license fee.

All applications for on-premises licenses must provide proof of required liquor liability insurance. If you are applying for any type of license with a serving/pouring component, you will need to have an up-to-date certification from a responsible alcohol training program, such as TIPS or ServSafe. Once open, you must be able to have one person with a responsible alcohol server certification on duty at all times.

Typically the entire process takes between one and three months but may take longer depending on the time of year that licensure or renewals are sought. At the local level, the process generally takes one to two months depending on the need to schedule and conduct site visits; after local approval has been granted, the ABCC usually takes between six and eight weeks to issue their approval.

As of 2016, the Board’s alcoholic beverage license application fee was $50; the ABCC’s application fee for retail uses was $200. Depending on the type of alcoholic beverage license you are seeking, the application process, fees, and forms vary; some uses licensed by the ABCC may not require local approval. You will need to place a legal advertisement announcing your hearing in front of the Licensing Board and timed to appear ten days before your hearing in a newspaper of general circulation in the City; the cost of the legal ad is separate from the application fee and paid directly to the newspaper. After the Board and the ABCC approve your application, you will need to pay the license fee; the amount of which varies depending on the business use and type of alcohol involved. Contact the Mayor’s office to speak with the Licensing Board Clerk to determine your specific process and required forms, obtain a current license fee schedule, set the public hearing date, and be placed on the Board’s agenda. The state’s application forms can be downloaded from the ABCC website: [www.mass.gov/abcc/forms.htm](http://www.mass.gov/abcc/forms.htm)

Licenses are valid until December 31st of each year, unless revoked sooner, and must be renewed annually. Completed renewal paperwork and a copy of the most recent annual Fire Safety Inspection Certificate / Annual Certificate of Inspection (Page 9) must be received by the Licensing Board Clerk no later than November 30th of each year.
Special (1-Day) Alcoholic Beverage License
A special alcoholic beverage license is required for any person or business to sell or serve any type of alcoholic beverage at any place or event that is open to the public. A special alcoholic beverage license only requires the local approval of the Easthampton Licensing Board and is usually granted in one meeting. The Licensing Board meets once per month and applications must be submitted in advance. Contact the Mayor’s office to speak with the Licensing Board Clerk to determine your specific process, obtain application forms, the current license fee schedule and required liquor liability insurance amounts, and be placed on the Licensing Board’s agenda.

As of 2016, the Board’s special alcoholic beverage license application fee was $50 plus the cost of the license fee, the amount of which varies depending on the type of alcohol involved. You will be required to carry liquor liability insurance and have one or more people on duty at all times with an up-to-date certification from a responsible alcohol training program, such as TIPS or ServSafe.

Entertainment License
If you are required to have any type of alcoholic beverage license and you have live entertainment as part of your usual business, then you will need to obtain an entertainment license from the Easthampton Licensing Board. Live entertainment is a broad category that includes concerts, dances, exhibitions, cabarets, and any type of public show. Some specific examples are: dancing by patrons, entertainers, or performers; playing of recorded or live music; using an amplification system; conducting theatrical plays, exhibitions, movies, films, or floor shows; or having any other kind of dynamic audio or visual show whether live or recorded.

The Licensing Board will grant an entertainment license unless they find that the proposal, either taken alone or in combination with other activities on the premises, will adversely affect public health, safety, or order. In order to preserve and protect public health, safety, and order, the Board may place conditions on a license. Once granted the Board may modify, suspend, or revoke a license if they find adverse impacts to public health, safety, or order, stemming from the licensed entertainment and other activities on the premises. As defined, adverse impacts can stem from the entertainment and/or the activities associated with the entertainment.

Typically an entertainment license is granted in one meeting of the Board; however, additional meetings may be necessary if the Board needs to schedule and conduct site visits. The Licensing Board meets once per month and applications must be submitted in advance. Contact the Mayor’s office to speak with the Licensing Board Clerk, obtain an application form, and be placed on the Licensing Board’s agenda. As of 2016, the entertainment license application fee was $100. Licenses are valid until December 31st of each year, unless revoked sooner, and must be renewed annually.

Motor Vehicle Sales License
Any person/business that buys, sells, exchanges, assembles, or displays motor vehicles or motor vehicle parts is required to obtain a license from the Easthampton Licensing Board to operate. There are three motor vehicle licenses that the Board issues in accordance with Mass General Laws Ch. 140, Sec. 58-68.

- Class I Licenses are for dealers selling new vehicles. To obtain a Class I license, you need to be an agent of or have a contract with a new vehicle manufacturer; sell used vehicles only as an incidental or secondary part of the business; and have repair facilities on site that allow vehicles to be repaired under warranty.
• Class II License are for used auto dealers. To obtain a Class II license, you need to post a $25,000 bond or equivalent financial surety that will cover you in case judgment is brought against you for a variety of reasons, such as failure to deliver a title, selling stolen vehicles, failure to disclose actual mileage, using deceptive practices, or misrepresenting material facts about a vehicle.
• Class III Licenses are for junk auto dealers and allows the buying/selling of cars and trucks for parts and salvage.

The Board will grant your license after conducting a public hearing and finding that you are properly qualified for the requested license class. Typically a motor vehicle license is granted in one meeting of the Board; however, additional meetings may be necessary if the Board needs to conduct additional investigations or schedule and conduct site visits. Once granted the Board may modify, or revoke a license if they find that you are not complying with City or State regulations or laws.

The Licensing Board only meets once per month. Contact the Mayor’s office to consult with the Licensing Board’s Clerk and to obtain an application form, set the public hearing date, and be placed on the Licensing Board’s agenda. As of 2016, the application fee was $50. If approved, your license will only be issued to you after the Board receives payment of the $100 annual license fee. Licenses are valid until December 31st of each year, unless revoked sooner, and must be renewed annually. Completed renewal paperwork must be received by the Licensing Board Clerk no later than December 31st.

Home Occupation Permit
All businesses in residentially zoned neighborhoods need approval via a Home Occupation Permit (Section 10.4 of the Easthampton Zoning Ordinance) to operate legally. This permitting process is designed to make sure that the economic generating activities occurring in your home are compatible with the surrounding residential uses by assuring that the neighborhood character and residential quality of life is protected from adverse impacts such as noise, traffic, and other nuisances.

• Home occupations may only be conducted on the property at which you principally reside.
• The primary use of the property must remain residential in nature and character.
• Business activities may only occur within the residential building or accessory structure.
• Any additions, modifications, or new constructions must maintain the residential character of the building and neighborhood.

Permitting for home occupations is accomplished through a two-tier process which is determined by your business use, the intensity of your business activities, and the potential impacts that it may have on the neighborhood. You may also need to obtain permits and have inspections from the Fire Department for the use of equipment with high-heat or open flames and/or the Board of Health if preparing or selling anything edible, providing lodging, and certain personal services.

Minor Home Occupations are permitted by the Building Commissioner, who usually makes decisions in less than one week. As of 2016, there is no cost to apply for a Minor Home Occupation. A complete list of minor home occupation regulations are provided in Sections 10.43 and 10.44 of the Zoning Ordinance. Minor Home Occupations:

• may not be open to members of the public, non-resident employees, business partners, contractors, clients, or customers;
• may not create any nuisance to the residential character of the neighborhood, including but not limited to pollution, excessive light, glare, noise, or vibrations;
• may not increase the amount of traffic to the neighborhood.
**Major Home Occupations** are permitted by the Zoning Board of Appeals in accordance with the regulations for Special Permits (Page 11) and have the same application procedures, fees, and timelines. A complete list of major home occupation regulations are provided in Sections 10.43 and 10.45 of the Zoning Ordinance. Major Home Occupations:

- may have two non-resident employees work at the property containing the home occupation;
- may be open-to-the-public;
- may not have more than two vehicular visitations per hour.

**Sign Permit**

Signs are regulated in Easthampton in order to enhance the aesthetic environment, protect property values, and reduce potential traffic hazards to motorists and pedestrians. Anyone wanting to publicly advertise a business, event, promotion, etc. will need to obtain a sign permit from the Building Department and comply with the sign regulations in Section 10 of the Easthampton Zoning Ordinance and Section 8-74 of the Easthampton General Ordinances. The regulations include limitations on the size, height, number, lighting, type of installation, and allowed locations. Signs may be allowed on public property in some locations with the payment of an annual fee and the execution of an agreement indemnifying the City from any liability stemming from the placement of the sign on public property.

The fee for a sign permit varies depending on the location and size of the sign. Contact the Building Department to obtain an application form and current fee schedule. Most sign permits determinations are made within 30 days.

**Variances**

The Zoning Board of Appeals (ZBA) may grant, at a duly publicized hearing of the Board, a variance for relief from the dimensional (lot area, height, bulk, setbacks, etc.) or parking requirements as regulated by the Zoning Ordinance. The ZBA may not grant a variance authorizing a use or activity not allowed in the underlying zoning district but may impose conditions, safeguards, and limitations both of time and of use, including the continued existence of any particular structures, when granting a variance.

Variances may only be granted, in accordance with Section 13.1 of the Zoning Ordinance, if the Board finds that there are: (1) specific circumstances relating to the soil conditions, shape, or topography of the applicant’s land or structures that affect the applicant and do not generally affect the zoning district in which it is located; (2) that a literal enforcement of the provisions of the ordinance would involve substantial hardship, financial or otherwise, to the applicant; and (3) that desirable relief relating to the specific circumstances may be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.

Variances are usually granted in one meeting of the Zoning Board; however, the entire application process usually takes two months to complete due to statutory notification and appeal periods before and after your hearing. The Board may take longer if needed to resolve the complexities of your particular application.

As of 2016, the cost for submitting a variance application to the Zoning Board of Appeals was $150 plus the cost for publishing the two required legal advertisements in a newspaper of general circulation; approximately $200 for publication in the Daily Hampshire Gazette.
Part 4 – Finding the Right Location and Other Business Matters

The information in this section is provided by the Easthampton Chamber of Commerce and their members. For questions or comments regarding information in this section please contact the Chamber at www.easthamptonchamber.org or (413) 527-9414.

Landlord / Tenant Considerations before Signing a Lease

Get your permits first
- Most business uses require some level of local and state permitting before you will be allowed to begin construction and/or open for business. Do your research ahead of time. Before signing the lease, make sure to ask the landlord, building inspector, and city planner questions regarding permitted uses/activities, hours of operation, and signage.
- Anticipating the right amount of time for complete build-out includes the time waiting for permits to be granted before construction is allowed to begin and before occupancy of the premises is allowed. *Be sure to understand the submittal processes and timelines for approval before signing a lease – delays due to permitting can add up to many months of lost revenue.*
- You may be able to negotiate with your landlord for an option-to-rent contract that gives you the right to rent the property at a specific price until an agreed upon future date or pending the successful grant of local or state discretionary permits. Depending on your agreement, the contract may not the obligate you to rent if the permits are not granted.
- Your landlord may be willing to waive or negotiate reduced rent during the permitting and/or construction phase as part of an option-to-rent contract or lease agreement.

Occupancy loads
- Make sure that the location you are looking at is capable of handling the number of users that you expect to have. You may need to work with a Massachusetts registered design professional such as a Professional Engineer or Registered Architect to determine the occupancy load for your particular space and planned use of that space.
- Occupancy loads for your space will be influenced by the total number of people and other uses occurring in the building.
- Planned occupancy by more than certain numbers of people will trigger fire safety code requirements – sprinklers and/or other safety systems may need to be installed in order to maximize the occupancy of the space/building. Occupancy will be limited (or not allowed) without those safety systems in place.

Bathrooms
- Make sure that the location you are looking has enough bathrooms for the number of users that you expect to have in your business.

Improvements / Construction
- The Americans with Disabilities Act (ADA) may require renovations/improvements to the premises depending on the age of the building and other factors unique to that structure. Make sure that you understand what triggers ADA compliance (Page 7) and what improvements will be required.
- Who will pay for improvements? Before signing the lease, negotiate with your landlord who will be responsible for covering the cost of required improvements due to required ADA, Building, Health, and Fire Code upgrades. Include these terms as part of the lease or be prepared to cover these expenses on your own.
• How much will these improvements cost? Depending on the use, consult the appropriate city departments ahead of time to help prepare a realistic guide for required improvements and possible costs.

Other general guidance
• Be sure to consult with city officials about your project and the space in advance. Utilizing city staff is desirable for everyone involved.
• Take the time to meet all the appropriate city inspectors and go over your business intentions before the lease is signed.
• Everything is negotiable between the landlord and tenant.

Insurance
When opening a business, insurance is often an afterthought – don’t wait until disaster strikes! All business owners should consider the following with regard to business insurance.

Do I have a typical business that other people have and will it be easy for someone to insure me?
For example, if you are a carpenter there are LOTS of carriers that will give you insurance. If you are a person that does something unusual/out of the box you may have a harder time finding a carrier. Having a clear business plan will help with this process.

Will the building owner require you to have insurance and do they want you to list them as an “Additional Insured”?
This is typical and in some cases will cost you a few more dollars.

Your landlord is NOT responsible for your items.
Many people think they don’t need insurance because the building owner’s insurance will cover them in case of a fire or other disaster. This is typically NOT the case. The building owner’s insurance covers them and their property – not yours. When getting a policy make sure you include Business Personal Property in order to cover your items in the space and not just the space.

Do you have employees?
If you have employees you are required to have Workers Compensation insurance. This is based on a class code (type of work), your payroll for each person, and is audited every year.

Do you or your employees use your business or their personal vehicle for business related activities?
Auto insurance and liability should be reviewed with your insurance agent before you have someone driving in the name of or for the company.

Are you purchasing a building?
Make sure to find out the building’s age and if there are required code updates to the building before signing any documents. Many carriers have a list of reasons why they would NOT want to write coverage for your property. Knowing what these reasons are before you purchase the building will help when it comes time to insure it.
Appendix A – Commonly Used Terms

**Ansul system** – a special hazard fire protection product commonly used in restaurants for fire suppression above deep fryers and stove tops. Ansul is a brand-name/corporation headquartered in Marinette, Wisconsin that manufactures fire suppression systems, extinguishers, and offers fire training.

**Building Permit** – a permit granted by the Building Commissioner that is required for any and all construction related activities for both interior and exterior structures.

**By-right (use)** – a use that is endorsed by the Zoning Enforcement Officer and does not require additional review by the Planning Board or Zoning Board of Appeals.

**Certificate of Occupancy** – a certificate that certifies that a given space is fit and safe to be inhabited by members of the public. The certificate must be applied for after every change of ownership, use, completion of construction activities, and must be renewed annually for business/commercial properties that are open to members of the public.

**Occupancy load** – Depending on the use group and planned occupancy capacity, different parts of the MA Fire Code may be triggered. A stamped architectural drawing/narrative may be required to receive approval by the Fire Department and Building Department.

**Open to the public** – a place that anyone can go into without an invitation (i.e. store, restaurant, bar, library, theater, club, etc.)

**ServSafe** – a food and beverage safety training and certificate program administered by the National Restaurant Association. The program is accredited by ANSI and the Conference for Food Protection. The course discusses foodborne illnesses, including information on specific foodborne pathogens and biological toxins, such as shellfish poisoning, contamination, and food allergens. Prevention is also covered, with information regarding purchasing and receiving guidelines, food preparation, holding, and serving guidelines, food safety management systems, sanitation guidelines for facilities and equipment, and integrated pest control, as well as food safety regulations and employee training.

**Site plan approval** – a permitting process for uses that require a higher level of scrutiny than *by right uses* and are reviewed and permitted by the Planning Board during a duly noticed public meeting. The Board will review the submitted site plan in regard to the health, safety, and general welfare of the community.

**Special permit** – a permitting process for uses that require the highest level of scrutiny and that requires review and permitting by either the Planning Board or Zoning Board of Appeals, depending on the use and location, at a duly noticed and advertised public hearing. The Board will review the submitted application (which includes a site plan and other pertinent data) in regard to the health, safety, and general welfare of the community.

**TIPS** – (Training for Intervention ProcedureS) a proprietary responsible alcohol service training program designed to help servers and sellers of alcohol to prevent consumers’ intoxication, drunk driving, and underage drinking.

**Variance** – a permitting process of the Zoning Board of Appeals for relief from dimensional (lot area, height, bulk, setbacks, etc.) or parking requirements in the Easthampton Zoning Ordinance. Easthampton does not grant variances for uses
Appendix B – Help with Business Plans and Financing

There are quite a few agencies in the region that can help you to develop a business plan and obtain financing. The following list is by no means exhaustive but should help you to get started.

Common Capital
- A community loan fund and non-profit organization committed to a thriving local economy in order to create positive social and community impacts.
- Provides financing and business assistance (Business Advisory Services) to small businesses and high-impact community projects.
- Common Capital provides financing to for-profit, cooperatives, and some nonprofit businesses in order to increase employment opportunities, neighborhood revitalization, provide essential community services, and promote a healthier environment.
- 4 Open Square Way, Suite 407, Holyoke, MA 01040
- (413) 420-0183 | www.common-capital.org

Valley Community Development Corporation
- The Small Business Development program provides comprehensive pro-active support for entrepreneurs planning to launch their own businesses and for owners of existing small businesses.
- Provides a range of free services to meet the needs of low and moderate income individuals as well as small businesses with 20 or less employees. Available to both start-up and existing businesses, include business plan development, cash flow analysis, and marketing, as well as access to community loan funds.
- Services include one-on-one counseling, workshops and seminars, and credit counseling for both entrepreneurs and small business owners.
- 30 Market Street, Northampton, MA 01060
- (413) 586-5855 x230 | valleycdc.com/small-business-development

Massachusetts Growth Capital Corporation
- Provides a centralized resource at the state level that helps create and preserve jobs at small businesses, women and minority owned businesses, and to promote economic development in underserved, gateway municipalities and low and moderate income communities.
- Offers working capital, loan guarantees, and targeted technical assistance to solve specific financial and operational problems. Targets small businesses or woman or minority-owned businesses that are unable to obtain necessary financing through traditional sources.
- 529 Main Street, Schrafft Center, Suite 1M10, Charlestown, MA 02129
- (617) 523-6262 | www.massgcc.com

Easthampton Savings Bank
- Provides small business loans of up to one million dollars for business expansion and new job creation in collaboration with the Mass State Treasurer’s Small Business Partnership program.
- (855) 527-4111 | www.bankesb.com/products_and_services/business_banking/business_lending/small_business_partnership
Florence Savings Bank
- Offers a variety of loans to help small businesses in the Pioneer Valley startup, expand, or continue to operate; including a streamlined application and quick turnaround for loans up to $150,000 under the Small Business Administration’s Preferred Lender and Express Programs.
- 413.586.1300 | www.florencebank.com/business/lending

Massachusetts Executive Office of Housing and Economic Development
- Provides a large amount of online information, tools, and resources for helping your business to succeed in the Commonwealth. Included amongst many other resources are guides for people interested in starting, growing, and/or operating a small business, information about taxes, and employer responsibilities.

Massachusetts Small Business Development Center - Western Mass Regional Office
Part of the Massachusetts Small Business Development Center Network. They contribute to the entrepreneurial growth of small businesses throughout Massachusetts by providing high-quality, in-depth advising, training, and capital access.
- Provides one-to-one free comprehensive and confidential services focusing on, business growth and strategies, financing and loan assistance as well as strategic, marketing and operational analysis to prospective and existing small businesses located in Hampden, Hampshire and Franklin counties
- Areas of assistance include business plan development, pre-venture feasibility, conventional and non-conventional financing, cash flow analysis, organizational and personnel issues, and marketing
- Funded by the U.S. Small Business Administration and the Massachusetts Office of Business Development and run through the Isenberg School of Management at UMass Amherst
- Business Growth Center, 1 Federal Street, Building 101, Springfield, MA 01105
- (413) 737-6712 | www.msbdc.org/wmass

Small Business Administration
Federal agency that provides free counseling on business planning and assistance with financing.
- Provides financial assistance for new or existing businesses through guaranteed loans made by area bank and non-bank lenders
- Offers special assistance to
  - women business owners through the Women’s Business Ownership Representatives
  - businesses owned and controlled by socially and economically disadvantaged individuals through the Minority Enterprise Development Program
- Springfield Branch Office, 1 Federal Street Building 101-R, Springfield, MA 01105
- (413) 785-0484 | www.sba.gov/offices/district/ma/boston/about-us
SCORE - Counselors to America's Small Business
Nonprofit association dedicated to entrepreneurial education through face-to-face and email counseling. Formerly the Service Corps of Retired Executives.

- Provides free, confidential counseling and mentoring to small business entrepreneurs and startups on starting, better operating or expanding a small business at 6 locations in Hampden, Hampshire, Franklin, and Berkshire counties.
- Springfield Branch Office, Business Growth Center, 1 Federal Street, Springfield, MA 01105
- (413) 785-0314 | contact.0228@scorevolunteer.org | westernmassachusetts.score.org

Valley Venture Mentors
Nonprofit based in Springfield, Massachusetts that provides support to the entrepreneurial ecosystem through mentorship and accelerator programs:

- The Mentorship Program, founded in 2011, unites carefully selected startups with high quality business mentors at a structured monthly pitch and planning session. Ventures enter the program with ideas and the beginnings of a business plan. They emerge with solid go to market strategies and key connections to expert advisors.
- The Accelerator Program is a rigorous training program for startups to gain the help and expertise they need to secure seed and secondary funding. Companies get a financial education and the opportunity to compete for equity-free grants of up to $50,000.
- Suite 252 Tower Square, 1500 Main St, Springfield, MA 01115
- (413) 337-2887 | admin@valleyventurementors.org | www.valleyventurementors.org

Western Massachusetts Economic Development Council
A private, not-for-profit corporation that provides resources and information to businesses operating in or entering the region by aiding in expansion, relocation and networking.

- Delivers services and business resources that will enable companies to thrive in Western Massachusetts while improving the region's economy and lifestyle through the creation of quality jobs and enhanced public and private investment.
- 1441 Main Street Springfield MA 01103
- (413) 755-1368 | www.westernmassedc.com/industryclusters/entrepreneurs

Springfield Technical Community College
The Springfield Technical Community College enhances economic and business development opportunities throughout the region with a variety of resources, programs, and centers committed to injecting the community with new energy and economic possibilities. Offering professional development, skills training, and employment services regardless of organization size or specialization.

- Springfield Technology Park
  - Located on the grounds of the former Springfield Armory and in close proximity to the faculty and highly-skilled graduates of Springfield Technical Community College
  - Leases work space for technology-based and other companies
  - Provides training and assistance for startup and growth companies
  - One Federal Street, Springfield, MA 01105
  - (413) 747-2753 | springfieldtechnologypark.org
• **The Scibelli Enterprise Center – Business Growth Center and Business Incubator**
  o Located in the Springfield Technology Park
  o Business Incubator - provides entrepreneurial and small business support for new businesses through support, assistance, and incubation.
  o Business Growth Center - supports businesses of all stages with advice, strategies, insight, professional office space, and connections and training to start new companies and expand capacity and profits of existing companies.
  o Scibelli Enterprise Center, Building 101, 1 Federal Street, Springfield, MA 01105
  o 413-355-5680 | businessgrowthcenter.org | www.stcc.edu/ebd

• **The Entrepreneurial Institute**
  o Provides entrepreneurship education for people of all ages who seek business start-up or growth knowledge and information and runs a variety of entrepreneurship programs through a two-year associate degree, entrepreneur programs for K-8 elementary students, and education programs for K-12 educators interested in teaching entrepreneurship education.
    - Community Foundation of Western Massachusetts Student Business Incubator – helps bridge the gap between academics and a real world entrepreneurial experience in a supportive environment with individual advisors and mentors. Students receive coaching, information resource referrals, connection to technical assistance, and access to potential capital.
    - Entrepreneur for a Day – program for elementary and middle school entrepreneurs
    - E.Y.E. (Excellence in Youth Entrepreneurship) – program for underserved youth in an outside of school program
    - YES! (Young Entrepreneurial Scholars) – program for high schools throughout the region
  o One Armory Square, Ste. 1, P.O. Box 9000, Springfield, MA 01102-9000
  o (413) 755-4836 | www.stcc.edu/ei

**Western New England University – Center for Innovation & Entrepreneurship**

• Offers personal, professional assistance to entrepreneurs in the business startup stage, free of charge through the Small Business Clinic and community outreach events.
• Provides free legal and business services to entrepreneurs and small businesses.
  o Law students work on transactional (i.e. non-litigation) legal matters that are typical in the start-up phase of a business including choice of entity, employment policies, contract drafting, regulatory compliance, and intellectual property issues relating to trademark and copyright.
  o Business students assist clients with general management issues as well as market assessment and direct marketing techniques.
• Provides workshops focused on entrepreneurship and economic development during the academic year.
• 1215 Wilbraham Road, Springfield, MA 01119
• (413) 796-2030 | www1.wne.edu/cie