

What are the building setbacks for a particular property?

Building setbacks for residential lots in Orleans generally are 25 feet from street line, sides, and rear property lines. Please refer to Orleans Zoning Table 164-21, schedule of Lot, yard,, and Bulk Requirements. [Town of Orleans, MA Area Regulations: § 164-21 Schedule of Lot, Yard and Bulk Requirements. \(ecode360.com\)](http://ecode360.com)

Please be advised that unless a completed building permit application is received, the Building Commissioner cannot determine the 'buildability' of any given lot.

For both developed and undeveloped properties, there may be other factors limiting the size and/or location of a proposed structure including, but not limited to:

- 1) Proximity to Wetlands (whether on the locus property or not)
- 2) Inclusion in a Groundwater Protection Overlay Districts
- 4) Building coverage limitations
- 5) Setbacks to existing septic system components or underground utility structures
- 6) Approval of the project by the Old King's Highway ('OKH') Historic District Committee if the subject property is within the OKH District
- 7) Approval by the Health Department for septic system requirements
- 8) If the intended Use of the proposed structure is not permitted in the Zoning District in which the property is located.

Please consult with a local land use attorney and/or local design professional for help with these determinations.

Am I responsible for all runoff from my property?

YES. All owners are responsible for keeping water originating from their property from flowing onto adjacent properties. This includes any sediment carried by water, *especially* into roadways (public or private) where storm drains, or adjacent sensitive wetlands or waterways might be negatively impacted. The Orleans Department of Public Works is constantly working to keep its extensive stormwater drainage systems clean and functioning properly. If they see evidence of discharge into a roadway from your property, they will initiate enforcement.

With regard to excavation, grading or landscape construction associated with a building permit, the Massachusetts Building Code 780 CMR Section 401.3 states that, "*Temporary and finished grading shall not direct nor create flooding or damage to adjacent property during or after completion of construction.*" A construction apron at unpaved driveways used by trucks during construction should be installed whenever necessary for projects involving significant excavation.

Do I need a permit to erect a fence?

If your proposed fence is under seven feet (84") **at its highest point** as measured from existing natural grade, and your property is not in the Historic District, then there is no permit or By-law regarding the erection of fencing. Any fence **higher** than seven feet must be set back from the property line by a distance equal to the height of the fence. Please consult a recent certified plot plan of your property before installation if you are unsure of your property line locations. Keep in mind that the road layout is typically not at the edge of pavement. If you are in the Historic District, please see the [OKH-Bulletin-and-Guidelines-PDF \(orleans.ma.us\)](#) for regulations regarding fences.

My contractor does not have Workers Compensation Insurance or Liability Insurance. What do I do?

The State discourages hiring non-licensed non-insured contractors. Please be aware that if you choose to apply for a building permit as a homeowner and hire contractors, you will be proceeding at your own risk, and assuming all liability for all personnel, materials, vehicles, etc. working at your residence. As part of the permit application, you will need to complete a Homeowner Exemption Affidavit [Homeowner-License-Exemption-Form-PDF \(orleans.ma.us\)](#). Please read the statement from the Massachusetts Federation of Building Officials [Homeowner-Permit-Notice-SEMBOA \(orleans.ma.us\)](#), which also discourages this practice.

The intent of the Homeowner Exemption is to allow homeowners with considerable construction experience to pull permits to perform work on their full-time residence s. You are responsible for all aspects of the Building Codes. If your contractor does not have a MA Construction Supervisor's license, liability insurance, or a current Worker's Compensation policy, then perhaps you should consider hiring one that does.

Do I need to inform the Health Department about my proposed building project?

The two main reasons that the Health Department must be informed about a building project are: 1) the proposed addition or alteration may change or increase septic flow to the dwelling (even if the building footprint is not changing); and 2) the proposed addition or alteration must maintain setbacks to all existing and proposed septic system components. Please contact Health at: [Health | Orleans, MA](#) if you have questions before submitting your building permit application.

How long is my Building Permit good for? Does it expire?

According to the Building Code, Building Permits expire in 6 months (180 days). Work must commence within that period and continue without interruption. However, the permit may under certain hardship or circumstances, with permission of the Building Commissioner, be renewed for up to 6 months provided that the request to extend the permit is made prior to the original expiration date and you can show that progress on the project is being made. After that, if you have not started or continuously worked on the project, your permit will be considered abandoned and closed, and you will have to reapply.

As a homeowner, am I allowed to perform my own Wiring and Plumbing work?

The short answer is no. For the safety and health of you and all occupants and users of your home (even after you no longer own it), permits for all Wiring, Plumbing and Gas work should always be properly obtained, the proper inspections performed, and the work completed only by licensed and insured professionals.

Do I need a Building Permit to add a shed on my property?

Accessory structures such as sheds that are under 200 square feet in area (footprint) are not regulated by the MA Residential Building Code, CMR 780. However, you are required to register your shed by submitting a completed Shed Registration Form: [Shed-Application-PDF \(orsland.com\)](https://www.orsland.com/shed-application-pdf). Unless otherwise required, the setbacks for residential sheds are 25 feet from the street line, and a distance equal to the finished height of the shed from pre-existing natural grade from sides and rear lines. You are responsible for knowing whether your property is in the Old King's Highway Historic District and for applying to the OKH HD Committee prior to registering or installing your shed: [Old King's Highway Regional Historic District Committee | Orleans, MA](https://www.orsland.com/old-king-highway-regional-historic-district-committee)

Can you recommend a contractor for our construction project?

State Ethics and Conflict of Interest laws prohibit us from making recommendations. Once you have chosen your contractor, we recommend checking with the Better Business Bureau, and a minimum of three (3) references for past work by the contractor. Upon receipt of a completed building permit application, the Orleans Building Department will verify that the contractor of record is currently licensed and insured prior to issuing a permit. We always recommend that the contractor obtain all necessary permits in his/her name so that the risk and liability of the project remains with the license holder and not the homeowner.