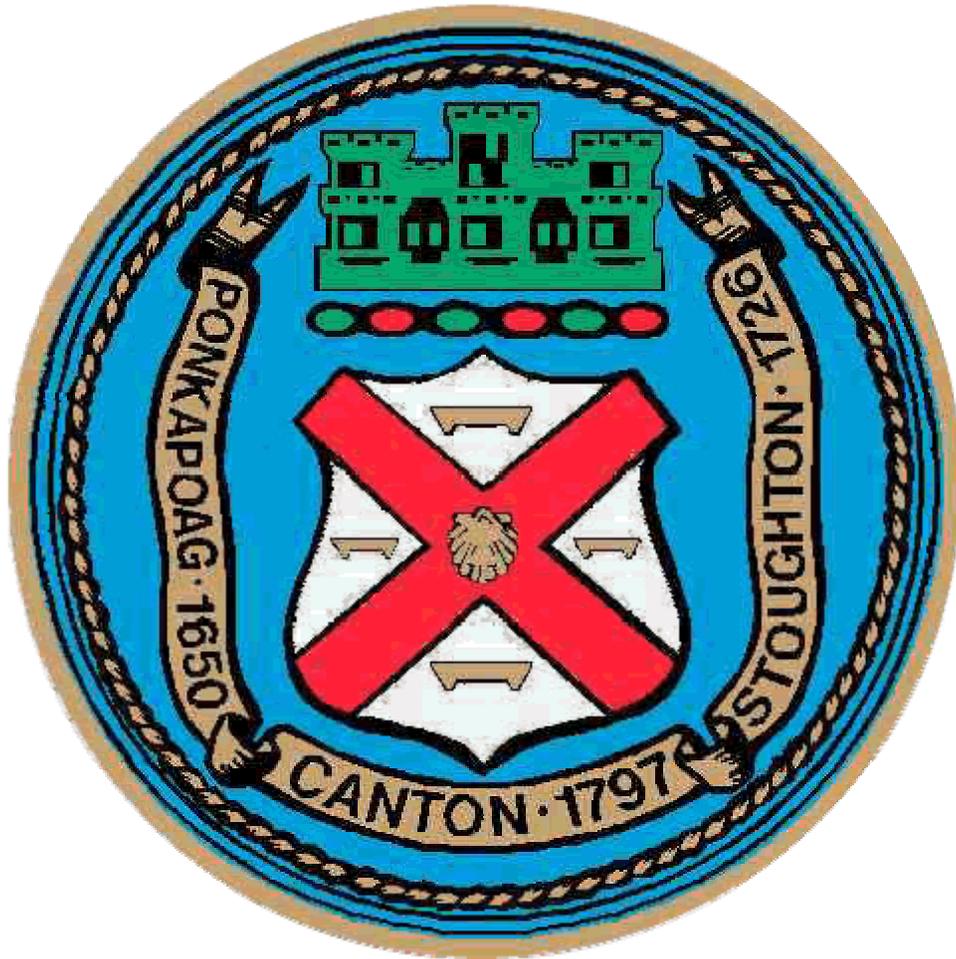


Town of Canton



Development Handbook

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April, 2006

WELCOME TO CANTON

The Board of Selectmen and other Town officials welcome new commercial and residential development projects in Canton that reflect the rural, New England character of the Town and enhance our revenue tax base. We ask you to carefully review this Handbook and familiarize yourself with the Town of Canton and the bylaws, rules and regulations which govern its development review process.

The purpose of this Handbook is to outline the process of obtaining permits for project development and construction in Canton. The Handbook will introduce you to the people, the permits, and the process of development, permit application and review by the Town's regulatory boards. It summarizes the Town's project review and approval process, and summarizes the role that each local regulatory board plays in the process.

Please keep in mind that the Handbook is a guide containing summary information only. The specific rules, regulations, requirements and standards with which you, as a project applicant, will need to comply with, are available at Town Hall. Copies of these documents can be obtained from the Building Department located in the lower level at Memorial Hall located at 801 Washington Street.

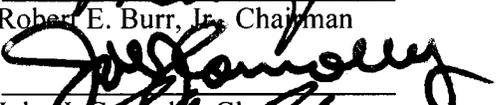
As a project proponent and permit applicant, you are strongly encouraged to obtain copies of all applicable local regulations, so you can learn firsthand the requirements and standards by which your project will be evaluated. No one else can do this for you, or take away your responsibility for complying with these rules and regulations.

It is our sincere hope that this Handbook will guide you through the review and approval process to an outcome that is mutually beneficial to you and to the residents of the Town of Canton.

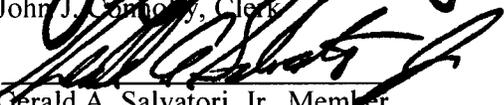
Town of Canton Board of Selectmen:



Robert E. Burr, Jr., Chairman



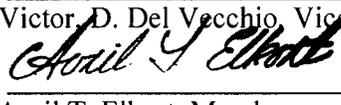
John J. Connelly, Clerk



Gerald A. Salvatori, Jr., Member



Victor D. Del Vecchio, Vice Chairman



Avril T. Elkort, Member

INTRODUCTION

Almost any development project you may have in mind will require some type of permit from the Town. The larger and more complicated your project, the more permits it will likely require. The more familiar you are with these permits and their requirements at the beginning of your project, the more you will minimize the likelihood of unpleasant surprises later, after you begin construction.

There is nothing that will make your project go easier, improve your chances that your project design will be accepted, or reduce the possibility that you will have to make expensive project modifications after you begin, than knowing the Town's requirements for your type of project in advance.

If you are developing a property, the best place to begin is to visit the Building Department and the Planning Board Office in Town Hall. The Town Planner is also available to assist you in obtaining the regulations, bylaws, and applications you may need. If you are developing a commercial property, you may also wish to meet with the Town Administrator. The Town Administrator is available to meet on Wednesday and Friday mornings. The Building Commissioner and the Town Planner can help you through the maze of applications, staff and board reviews, and public hearings that your project may require.

Your proposed project may require more than one review by different Town boards. The Town boards most associated with development project reviews are the Planning Board, Conservation Commission, Board of Health, and the Zoning Board of Appeals. Each has a staff person associated with it, to assist in its project reviews. The Planning Board has the Town Planner, the Conservation Commission has the Conservation Consultant, the Board of Health has the Health Director, the Department of Public Works has its Director and Town Engineer for Water/Sewer related information, and the Zoning Board of Appeals has the Building Commissioner and an Administrative Assistant available to assist you. If your proposed project is large and complex, it will be to your advantage to meet with these staff members for a preliminary review of your project concept and ideas before the formal review by the Town boards and confirm the process steps required.

Some boards may request or require a review of your project by the Fire Department, Police Department, or the Department of Public Works to make sure that public safety standards are met. The Town Engineering Division can itself ensure that ADA compliance as it relates to public ways. The Building Department reviews AAB on the private property.

Additionally, pursuant to the Canton Town Bylaw, Article VIII, Section 13, *Denial, Revocation, or Suspension of Local Licenses and Permits* (attached hereto and therefore made a part hereof), any Town Agency may deny any application for a building permit or local permit to any party who has neglected or refused to pay any local taxes, fee assessments, betterments, or any other municipal charges, including any amount assessed under MGL Chapter 40 Section 21 D.

Please note that you can also meet with relevant staff members at one time to receive their comments and suggestions regarding your project proposal at a Permit Advisory Committee (PAC) Meeting, discussed in more detail in this Handbook. Remember it is your project, and you, not the staff, are solely responsible for assuring that it meets all Town requirements. Our staff will make your work with the Town more efficient and productive. They can tell you what local permits your project is likely to require, what applications will need to be submitted, what information and plans you will need to complete the applications, with whom you may wish or need to see, and what process for approval is required. You can meet with all these staff members at one time to receive their comments and suggestions regarding your project proposal at a Permit Advisory Committee (PAC) Meeting.

Finally, for your convenience, we have inserted a checklist of items in the front of this Handbook, followed by a more detailed explanation of the people, permits and processes that may apply to your project.

DEVELOPMENT CHECK LISTS

Commercial Project Review Process for the Town of Canton

1. Concept Stage -- determine project proposal
2. Determine if proposed use is permitted as a matter of right by the Town of Canton Zoning By-Laws.

If project is permitted by our Zoning By-Laws and the proposed business will be located within an existing building, and no remodeling will be performed within the structure, then a Certificate of Occupancy must be obtained from the Town of Canton Building Dept. An inspection of the premises must be performed by the Town of Canton Fire Department and the Building Department to ensure the premises is being maintained in accordance with both 527 CMR the Massachusetts Board of Fire Prevention Regulations and 780 CMR the Massachusetts State Building Code.

3. You are encouraged to have an informal meeting with the Permit Advisory Committee that may help facilitate your project. This informal meeting does not guarantee approval by any board or commissions.
4. If you are building a new structure or enlarging an existing structure, the following boards and commissions must approve the project. You may apply to all three boards and commissions simultaneously.
 - a. Apply and obtain site plan approval from the Zoning Board following receipt of a recommendation from the Planning Board. Located at 801 Washington St. (781) 821-5019.
 - b. Apply and obtain site plan approval, any special permits, and/or required variances from the Zoning Board of Appeals. (Special Permits are also issued by the Planning Board for four (4) specific cases as noted in the Zoning Bylaws). Located at 801 Washington St. (781) 575-6589.
 - c. Apply to the Conservation Commission for a project determination. Located at 79 Pleasant St. (781) 821-5035.
 - d. Unless approval is obtained from all boards and commissions, then the project cannot continue.
5. Record special permit and/or variance granted by the Zoning Board of Appeals with the Norfolk County Registry of Deeds.
6. Apply for a building permit application in accordance with commercial project checklist, available from the Building Dept. located at 801 Washington St. (781) 821-5003.

BUILDING PERMIT PROCEDURE – COMMERCIAL PROJECTS
ADDITIONS AND NEW STRUCTURES

The following Items 1 through 7 must be accomplished prior to applying for a building permit:

1. Provide a copy of the recording of the variance or special permit with the Norfolk County Registry of Deeds.
2. Provide a copy of the approved site plan showing location of proposed building with distance from all lot lines. A plot plan must be prepared by a registered land surveyor or civil engineer.
3. Provide a copy of the Conservation Commission determination.
4. Obtain either a Board of Health sanitary permit (septic system) or a Department of Public Works Utility Connection Permit (water and sewer). If a septic system is used, a utility connection permit must be obtained for domestic water supply. *Contact the Board of Health at Pequitside Farm, 79 Pleasant St., Canton, (781) 821-5021 and the Department of Public Works at 801 Washington St., Canton (781) 821-5018.*
5. Obtain a grade permit from the *Department of Public Works – Engineering Division, located at 801 Washington St., Canton, (781) 821-5063.*
6. Obtain property street address and number, where applicable, from the *Assessor’s Office, located at 801 Washington St., Canton, (781) 821-5008.*
7. Provide one complete bound set of plans with the architects and/or engineer’s original signature and seal to the Fire Prevention office. Also provide a copy of all fire protection construction documents pursuant to 780CMR, Sec. 903.1.1.

Building Permit Application – Submit Items 1 through 7 listed above with the building application, appropriate permit fee and the following items:

8. Provide two complete bound stamped sets of plans showing all elevations, floor plans (all floors including basement), framing plans (all floors, roof, ceiling joist plans), sectional, energy audit and code analysis. All plans must be dimensioned and must satisfy all provisions of the Massachusetts State Building Code.
9. Provide construction control affidavits in accordance with 780 CMR Sec. 116.
10. If new structure, provide two certified “as-built” plans of the foundation after the foundation is complete.
11. Builders and contractors must have a Massachusetts Construction Supervisor’s License and provide a copy of their worker’s compensation insurance.

Should you have any questions, please call the Building Department at (781) 821-5003.

BUILDING PERMIT PROCEDURE – MULTI-FAMILY DWELLING

The following Items 1 through 7 must be accomplished prior to applying for a building permit:

1. Provide a copy of the recording of the variance or special permit with the Norfolk County Registry of Deeds.
2. Provide a copy of the approved site plan showing location of proposed building with distances from all lot lines. A plot plan must be prepared by a registered land surveyor or civil engineer.
3. Obtain a Conservation Commission determination by contacting the *Conservation Commission at Pequitside Farm, 79 Pleasant St., Canton, (781) 821-5035.*
4. Obtain either a Board of Health sanitary permit (septic system) or a Department of Public Works Utility Connection Permit (water and sewer). If a septic system is used, a utility connection permit must be obtained for domestic water supply. *Contact the Board of Health at Pequitside Farm, 79 Pleasant St., Canton, (781) 821-5021 and the Department of Public Works at 801 Washington St., Canton, (781) 821-5018.*
5. Obtain a grade permit from the *Department of Public Works – Engineering Division, located at 801 Washington Street, Canton, (781) 821-5063.*
6. Provide three sets of plans with the architectural or engineering original signature and seal to the Fire Prevention office for review. The Fire Prevention office will return two sets of plans, which will be submitted to the Building Dept. as part of the building permit package. *Contact the Fire Prevention Office at 99 Revere St., Canton, (781) 575-6654.*
7. Obtain proper street address and number from the *Assessor’s Office, located at 801 Washington St., Canton, (781) 821-5008.*

Building Permit Application – Submit Items 1 through 7 listed above with the building application, appropriate permit fee and the following items:

8. Provide two complete stamped sets of plans showing all elevations, floor plans (all floors including basement), framing plans (all floors, roof, ceiling joist plans), sectional and energy audit. All plans must be dimensioned and must satisfy all provisions of the Massachusetts State Building Code.
9. Provide construction control affidavits in accordance with 780 CMR Sec. 116.
10. A building permit will be issued approval in part pursuant to 780 CMR Sec. 111.13. after the plans have been reviewed.
11. Provide two certified “as-built” plans of the foundation after the foundation is complete.
12. Builders and contractors must have a Massachusetts Construction Supervisor’s License and provide a copy of their worker’s compensation insurance.

Should you have any questions, please call the Building Department at (781) 821-5003.

BUILDING PERMIT PROCEDURE – NEW RESIDENTIAL HOME

The following Items 1 through 6 must be accomplished prior to applying for a building permit:

1. Obtain a scaled plot plan showing location of proposed building with distances from all lot lines. A plot plan must be prepared by a registered land surveyor or civil engineer.
2. Obtain a Conservation Commission determination by contacting the *Conservation Commission at Pequitside Farm, 79 Pleasant St., Canton, (781) 821-5035.*
3. Obtain either a Board of Health sanitary permit (septic system) or a Department of Public Works Utility Connection Permit (water and sewer). If a septic system is used, a utility connection permit must be obtained for domestic water supply. *Contact the Board of Health at Pequitside Farm, 79 Pleasant St., Canton, (781) 821-5021 and the Department of Public Works at 801 Washington St., Canton, (781) 821-5018.*
4. Obtain a grade permit from the *Department of Public Works – Engineering Division, located at 801 Washington Street, Canton, (781) 821-5063.*
5. Provide three sets of plans to the Fire Prevention office for review. The Fire Prevention office will return two sets of plans, which will be submitted to the Building Dept. as part of the building permit package. *Contact the Fire Prevention Office at 99 Revere St., Canton, (781) 575-6654.*
6. Obtain proper street address and number from the *Assessor’s Office, located at 801 Washington St., Canton, (781) 821-5008.*

Building Permit Application – Submit Items 1 through 6 listed above with the building application, appropriate permit fee and the following items:

7. Two complete sets of plans showing all elevations, floor plans (all floors including basement), framing plans (all floors, roof, ceiling joist plans), sectional and energy audit. All plans must be dimensioned and must satisfy all provisions of the Massachusetts State Building Code. If plans include engineered lumber, either provide manufacturer’s specifications on engineered lumber, engineer’s calculations on engineered lumber, or plans must be stamped by a registered architect or engineer.
8. A foundation permit will be issued after the plans have been reviewed.
9. Provide two certified “as-built” plans of the foundation after the foundation is complete and prior to the issuance of a building permit.
10. Builders and contractors must have a Massachusetts Construction Supervisor’s License and provide a copy of their worker’s compensation insurance.

Should you have any questions, please call the Building Department at (781) 821-5003.

BUILDING PERMIT PROCEDURE
RESIDENTIAL ALTERATION OR ADDITION

The following items 1 through 4 (where applicable) must be accomplished prior to applying for a building permit:

1. Obtain a certified plot plan showing both existing and proposed structure. Show setbacks and ensure addition is conforming with current zoning by-laws. If proposed addition is close to the minimum required zoning setbacks, a new certified plot plan may be required.
2. If excavating for a foundation, obtain a Conservation Commission determination by contacting the *Conservation Commission at 79 Pleasant Street, Canton, (781) 821-5035*.
3. If a bedroom is added or created, submit three sets of plans to the Fire Prevention Office for review. The Fire Prevention Office will return two sets of plans, which will be submitted to the Building Dept. as part of the building permit package. *Contact the Fire Prevention Office at 99 Revere St., Canton, at (781) 575-6654*.
4. If you do not have town sewerage and you are adding or creating a bedroom, you may need to obtain a sanitary permit from the Board of Health. *The Board of Health is located at 79 Pleasant St., Canton, (781) 821-5021*.

Building Permit Application:

The following items, along with items 1 through 4 above (where applicable), should be submitted with the building permit application and the appropriate fee:

5. Two complete sets of plans showing all elevations, floor plans (all floors including basement), framing plans (all floors, roof, and ceiling joist plans), sectional, and energy audit. All plans must be dimensioned and must satisfy all provisions of the Massachusetts State Building Code. If plans include engineered lumber, either provide manufacturer's specifications on engineered lumber, engineer's calculations on engineered lumber, or plans must be stamped by a registered architect or engineer.
6. Builders and contractors must have a current Massachusetts construction supervisor's license, a Home Improvement Contractor's registration number, and provide a copy of their worker's compensation insurance.

Should you have any questions, please call the Building Department at (781) 821-5003.

THE PEOPLE
CANTON MUNICIPAL DEPARTMENTS AND STAFF

ASSESSOR'S OFFICE	(781) 821-5008/5009
John Wieliczki, Assessor/Appraiser 801 Washington, First Floor	
BOARD OF SELECTMEN	(781) 821-5000
William T. Friel, Town Administrator 801 Washington Street, 2nd Floor	
BUILDING DEPARTMENT	(781) 821-5003
Edward Walsh, Building Commissioner 801 Washington Street, Lower Level	
ECONOMIC DEVELOPMENT COMMITTEE	
c/o Chairman 801 Washington Street, 2nd Floor	
CONSERVATION COMMISSION OFFICE	(781) 821-5035
c/o Chairman Robert Murphy, Conservation Consultant 79 Pleasant Street – Second Floor	
DPW/WATER/SEWER DIVISION	(781) 821-5018
Ronald Redquest, Supervisor Pine Street, Canton, MA	
DEPARTMENT OF PUBLIC WORKS	(781) 821-5023
Michael Trotta, Superintendent 801 Washington Street - Lower Level	
DPW/ENGINEERING DIVISION	(781) 821-5063
Daniel Donahue, P.E., Town Engineer 801 Washington Street - Lower Level	
FIRE DEPARTMENT	(781) 821-6654
Chief Thomas Ronayne, III 99 Revere Street	
HEALTH DEPARTMENT	(781) 821-5021
John Ciccotelli, Director 92 Pleasant Street	
PLANNING BOARD	(781) 821-5019
Suzanne Feigen, Administrative Assistant 801 Washington Street, 2nd Floor	
POLICE DEPARTMENT	(781) 821-1214
Chief Kenneth Berkowitz 1492 Washington Street	
SALAH MEETING ROOM	
801 Washington Street - Canton, Ma	
TOWN CLERK	(781) 821-5013
Tracy Kenney 801 Washington Street – First Floor	
ZONING BOARD OF APPEALS	(781) 821-5003
Sue Franco, Administrative Assistant 801 Washington Street – Lower Level	

- Also please visit the Town's Website @ www.town.canton.ma.us

Permit Advisory Committee (PAC) –

Meeting Schedule: Regular Monthly Meeting - Salah Meeting Room

Depending on the size and scale of your project, it may be to your advantage to have the Building Commissioner schedule a meeting for you with the PAC. The Building Commissioner shall call together the PAC within fourteen (14) days of receipt of your application. You will be asked to bring certain information including a concept site plan. A fully engineered plan with utilities is not needed. The PAC was created to help streamline the application and review process by performing a preliminary staff review of proposed projects. The Building Commissioner or Designee acts as a coordinator for projects reviewed by the PAC and is responsible for Agenda/scheduling the meetings.

Thus the focus of PAC will be to expedite the development review process in Canton and:

meet with prospective permit applicants to share information and offer guidance and assistance;

listen to the prospective applicant's proposed ideas for development;

inform the applicant of the Town's approval process, bylaws, requirements, rules and regulations with which the applicant and the proposed project must conform (however, as stated earlier, this in no way changes the applicant's responsibility to understand all applicable state and local laws and requirements pertaining to the proposed project; while the PAC may help the applicant identify all the applicable laws and regulations of which they are aware, the responsibility for understanding and complying resides solely and unequivocally with the applicant);

coordinate Town concerns and departmental responsibilities to communicate requirements to permit applicants;

assist the Canton regulatory boards by identifying the salient issues regarding proposed development projects, with which the Town is rightly and justly concerned;

facilitate communication among Town departments and professional staff who regulate and advise on land use development.

Based on the issues raised by the proposed project, the PAC may recommend where the prospective permit applicant might best begin the permit application process (i.e., which local regulatory board should first review the proposed project). Unanswered questions and unresolved issues between Town staff and prospective applicants are noted for both the applicants and the boards. All applicants, at their request and expense, can avail themselves of a pre-qualified Engineering Consultant, identified by the Town, to assist the Committee and prospective developer and address any contemplated development issues.

Town boards are not obligated to follow the PAC recommendations, when they feel they have good and sufficient reasons not to do so. Town staff will advise, but does not direct, Town boards.

Whether or not the Town's regulatory boards follow or modify the recommendations and agreements you may have reached with the PAC, there still remains good reason to meet with this committee for a preliminary review of your proposed project before your formal meetings with the Town boards. The Town boards will almost invariably ask for a review or report on your proposed project (if it is

sufficiently large or complex) by some or all staff, such as the Fire Prevention Officer, the Public Safety Officer, the Department of Public Works, Health Director and the Conservation Commission to name a few. You can avoid interruptions and delays in the board review of your proposed project if such staff reviews have already occurred via the PAC.

You are not obliged to follow staff recommendations made at a PAC meeting, unless they apply to a potential violation by your project of state or local codes and bylaws. You have the option to wait until the appropriate regulatory board(s) begins its review of your project proposal, before you make any changes.

PAC Board Members:

- One Member Representing: Board of Selectmen
- One Member Representing: Planning Board
- The Town Planner
- One Member Representing: Zoning Board of Appeals
- One Member Representing: Conservation Commission
- One Member Representing: The Building Department
- One Member Representing: The Economic Development Commission
- One member Representing: The Police Department
- One Member Representing: The Fire Department
- Two Citizens at Large: Appointed by the Moderator

PLANNING BOARD - Elected at Large - Five Members:

Meeting Schedule: First and Third Wednesday in the Salah Meeting Room at 7:00 p. m.

Additional information may be obtained by calling (781) 821-5019.

The Canton Planning Board generally reviews four different types of permit applications for residential, commercial, and industrial projects.

- Approval-Not Required (ANR) Application: These involve the subdivision of an existing property on an established roadway or a lot line adjustment.
- Subdivision of Land: The creation of new lots by subdividing property, which also requires the construction of a new roadway to provide access to the new lots.
- Special Permit: The Planning Board is the Special Permit Granting Authority (SPGA) for various types of projects listed under the "Special Permit Granting Authority" definition in the Zoning Bylaw. Additional information may be obtained by calling (781) 821-5019.
- Environmental Impact and Design Review: The Planning Board provides site plan review of new structures, exterior changes or parking lot additions in non-residential districts.

The Planning Board Administrative Assistant, located in the Planning Board office on the second floor at Town Hall, can provide you with copies of the Canton Zoning Bylaw and Map (available for purchase), Canton Subdivision Rules and Regulations, special permit information for those projects and activities for which the Planning Board is the Special Permit Granting Authority, and various Planning Board application forms.

The Planning Board is the Permit Granting Authority for the following:

- Flexible Residential Districts;
- Village Housing Overlay Districts;
- Hotel Overlay Districts.
- Certain land within a Mixed Use Overlay District

ZONING BOARD OF APPEALS – Appointed by the BOS – Three Members

Meeting Schedule: Thursdays at 7:00 p. m., as needed in the Salah Meeting Room; Additional information may be obtained by calling (781)821-6589

The Zoning Board of Appeals is the Permit Granting Authority in most instances. The Zoning Board of Appeals hears Petitions for zoning relief in regard to use of one's land and dimensional requirements for the use of one's land. The Board can issue a Special Permit or Variance for different uses not permitted under the bylaw. They also are the body that grants site plan approval.

If a building permit has been denied by the Building Commissioner (who is also the Zoning Enforcement Officer) based on zoning considerations, you may have recourse to the Zoning Board of Appeals (ZBA) at a Public Hearing. The ZBA will consider the reasons why the permit was denied, consider if any conditions imposed by Town boards have been subsequently met and will hold a public hearing. Based on the regulations, any new information presented, and the outcome of the public hearing, the ZBA will render its decision.

The ZBA Administrative Assistant can provide you with information about the Board of Appeals' regulations and procedures.

CONSERVATION COMMISSION - Appointed by the Board of Selectmen

Meeting Schedule: Wednesdays at 7: 00 p.m. as needed, at Pequitside Farm; Additional information may be obtained by calling (781) 821-5035.

The Conservation Commission administers the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, § 40) and the Town of Canton Wetlands Protection Bylaw (Article XV of the General Bylaws). Any construction or alteration of land (e.g., any temporary or permanent structures, additions, driveways, filling and grading) within one hundred (100) feet of any wetland will require a permit from the Conservation Commission. The Conservation Commission can tell you if your proposed project is within their jurisdiction; do not trust your own judgment. Canton defines wetlands by vegetation, soil conditions and by hydrology; you cannot assume that there are no wetlands involved simply because there is no standing water on the land in August! The Conservation Commission also has jurisdiction over land within two hundred (200) feet of a river or stream.

The Conservation Consultant can provide you with written instructions and forms for filing a Request for Determination of Applicability (i.e., whether the wetlands protection regulations will apply to your proposed project) or a Notice of Intent to perform work affecting wetlands.

BOARD OF HEALTH

Meeting Schedule: Usually the first Monday of each month in the Salah Meeting Room at 7: 00 p.m. Additional information may be obtained by calling (781) 821-5021.

The Canton Board of Health enforces state and local environmental and health codes. Among the many permits and licenses it issues are those for septic systems, dumpster placement, swimming pools, food services, restaurants and caterers, and transport and/or storage of hazardous waste materials. The Health Director can help you determine whether your project will require Board of Health permits or approvals, and explain the procedures for obtaining these permits. The Board of Health Administrative Assistant can arrange an appointment for you with the Health Director. The Board of Health Office is located at Pequitside Farm, 79 Pleasant Street, Canton, MA 02021.

BOARD OF SELECTMEN

Meeting Schedule: Usually the first, second, and fourth Tuesday of each month in the Salah Meeting Room. Additional information may be obtained by calling (781) 821-5000.

The Town of Canton Board of Selectmen acts as the Town's licensing authority for issuing licenses to businesses serving the public including Alcohol. Such licenses include Common Victualler, peddler and transient vendor, carnival, taxicab and livery, licenses to buy, sell, exchange or assemble new and second-hand motor vehicles, and licenses for the storage of flammables, among others.

The Executive Assistant acts as the licensing coordinator for the Board of Selectmen, and can arrange for any meeting or public hearing that may be required. The license applications can be obtained from the Executive Assistant in the Board of Selectmen's Office on the Second Floor of Town Hall located at 801 Washington Street, Canton, MA 02021.

OTHER KEY TOWN OFFICES AND DEPARTMENTS - LOCATIONS

- **Department of Public Works**, Lower Level of Town Hall, 801 Washington Street, the Highway/Maintenance Divisions are responsible for the construction and maintenance of the streets and parks. The Engineering Division should be consulted on questions about roadways, parcel boundaries, curb cuts. (781)821-5063. The Recycling Center is also within the Department of Public Works and is located at 93 Pine Street, Canton, MA 02021 (for leaf and yard waste only). The Pine Street location number is (781) 891-0636.
- **Water/Sewer Division:** Second Floor of Town Hall, for the location of underground water and sewer services, mains, and hydrants. The Water/Sewer Division is responsible for the operation and maintenance of the Town's water and sanitary sewerage system. Requests for water line inspections should be directed to the Water and Sewer Division.
- **Fire Department (Fire Prevention Office)**, 99 Revere Street, for plan reviews, sprinkler system and smoke detector installation requirements and inspections, public safety road requirements, chemical and other hazardous substances inventory requirements, underground tank inspections, flammable storage requirements and similar concerns. (781) 821-5095
- **Police Department**, 1492 Washington Street, for plan reviews and public safety requirements or recommendations from the Public Safety Officer or Police Chief: (781) 821-5090.
- **Building/Zoning Department** located at 801 Washington in the Lower Level of the Town Hall. (781) 821-5003.

THE PERMITS

INTRODUCTION - (Provided as summary - See *Town of Canton Zoning Bylaw Index - May 2005*).

At times the number of permits, licenses, and "approvals" that must be issued by the Town can seem bewildering. The most common ones related to development projects are summarized below. Only your research, meetings and discussions with the Building Commissioner and Town staff will identify all the permits you and your project are likely to need before it can be constructed.

In general (not including certain use-specific overlay Districts), Canton is divided into the following types of Districts:

1. Single Residence Districts (AA, A, B and C)
2. General Residence Districts
3. Business Districts
4. Central Business District
5. Limited Industrial Districts
6. Industrial Districts

The location of these districts is shown on the Zoning Map. There are also specific areas in Town designated as overlay districts, which are described in the Zoning Bylaw and also shown on the Zoning Map. Uses and structures in these overlay districts are subject to the restrictions and provisions governing development in both the overlay and underlying districts.

Your proposed project will be in one, possibly more, of these zoning districts. The uses permitted within each district are listed in the relevant section of the Zoning Bylaw. Start there to determine if your proposed use is allowable in the zoning district in which your project is located. If the use is not permitted, then your project will not and cannot be permitted.

Some land uses in a zoning district are permitted as a landowner's right, while others may require a special permit from the Special Permit Granting Authority (SPGA) named for that use. If the Zoning Bylaw states that your proposed use is allowed by special permit, then you must obtain the special permit from the Special Permit Granting Authority named in the relevant section of the Zoning Bylaw before you can proceed.

If your proposed use is allowed as a matter-of-right within the district, then you may apply for the necessary permits you will need to construct your project, complying with the general zoning regulations regarding such issues as signs, off-street parking, accessory buildings and home occupations for example which are outlined in the Zoning Bylaw. Dimensional requirements for permitted uses with respect to minimum lot area, building height, setbacks from lot lines, floor area ratios and maximum lot coverage, as well as open space, landscaping and parking facilities, also can be found in the Zoning Bylaw.

Take heed that the special permit is not a matter of landowner right, and is not automatic; it is discretionary. The SPGA can and will consider such things as consistency with any master plans for the district area, congruity with surrounding uses, neighbor and neighborhood acceptance, and other site or neighborhood-specific issues, and it may require measures to mitigate the expected impact of your intended land use upon the surrounding neighborhood, if the SPGA decides to grant the special permit.

SUBDIVISION APPROVAL

Rules and Regulations Governing the Subdivision of Land in Canton

If your project involves subdivision of land into lots or parcels and requires street construction to provide vehicular access to those lots, you must obtain subdivision approval from the Planning Board. Obtain the "Rules and Regulations Governing the Subdivision of Land in Canton" from the Planning Board Administrative Assistant. If you do not have to build a new street to provide access to the proposed new lots and meet the street frontage requirements, then you may be able to obtain an endorsement from the Planning Board as an "Approval Not Required" subdivision (also known as a "Form A", "ANR" or "81P" subdivision). All subdivision and public hearing applications are available at the Planning Board Office.

DEVELOPMENT REVIEW

Pursuant to the Zoning Bylaw

3.0 Site Plan Approval:

3.0.1 Requirements for Site Plan:

No building, except a residential structure for single or two family use, shall be constructed or externally enlarged, and no non-residential use shall be expanded in ground area, or established in an existing building not previously used for non-residential purposes, except in conformity with a site plan bearing an endorsement of approval by the Board of Appeals. Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, loading areas, driveway openings, driveways, service areas, other open uses, and all facilities for either underground or overhead utilities, including but not limited to electric, telephone fire alarm systems, gas, water, sewage, and drainage, and all landscape features (such as walks, fences, walls, planting area and green belts) on the lot.

VARIANCES TO THE ZONING BYLAW

Section 1.24 of the Zoning Bylaw

The Zoning Board of Appeals (ZBA) is empowered to grant variances from the terms and conditions of the Zoning Bylaw under specific circumstances in which the literal interpretation of the Bylaw would impose a substantial financial hardship or other burden upon the applicant, **but only**:

1. when soil conditions, shape or topography affect the land or structure in a special way, but not the zoning district in general; and
2. when relief may be granted without substantial detriment to the public good or the intent and purposes of the Canton Zoning Bylaw.

A public hearing must be held, and the ZBA may impose conditions, safeguards and limitations of time and use, if it decides to grant the variance. Note that ***the ZBA is under no legal obligation to grant the variance.***

GROUNDWATER PROTECTION DISTRICT SPECIAL PERMIT

Section 5.2 of the Zoning Bylaw

The drinking wells located in Canton are our primary source of public drinking water. If your proposed development lies within this overlay district, then it must comply with the provisions for this district outlined in Section 5.2 of the Zoning Bylaw, which are more restrictive than those of the underlying districts, ***in addition to*** the requirements of the underlying district(s). In a nonresidential context, certain uses that might be permitted in the underlying zone may not be permitted in the Groundwater Protection District, while most others will require a special permit.

WETLANDS PERMITS

Canton General Bylaws

All work within one hundred (100) feet of a wetland as defined by the Massachusetts Wetlands Protection Act and the Canton Wetlands Bylaw is regulated by the Canton Conservation Commission. The Conservation Commission also has jurisdiction over land within two hundred (200) feet of a river or stream. Many types of development are prohibited in such areas, and those that are allowed will require a permit called an "Order of Conditions" from the Conservation Commission. The Order of Conditions may specify special construction techniques to allow work to proceed while protecting any nearby wetlands. The Conservation Commission has general information about its regulations and procedures that will be helpful to you if your project is near a wetland. Copies of this information and application forms can be obtained at the Conservation Commission Office.

BOARD OF HEALTH PERMITS

Permits needed from the Board of Health include those for construction of a septic system or other waste water disposal techniques, storing and handling hazardous materials and operating a restaurant or catering business. A listing of the permits required for your project can be obtained from the Board of Health Office located at Pequitside Farm.

HAZARDOUS MATERIALS BYLAW REQUIREMENTS

Canton General Bylaws

Canton requires that businesses which handle or store hazardous materials file a contingency plan with the Board of Health, and update that plan on a bi-annual basis. A copy of this article and information relating to completion of a contingency plan, if required, can be obtained from the Board of Health.

SIGN PERMITS

Section 4.1 of the Zoning Bylaw

The Canton Zoning Bylaw regulates the size, location, design and number of signs that may be allowed as part of a project. The Building Commissioner enforces this bylaw provision for the Town. All signs require a permit which is issued by the Building Commissioner upon completion of the proper application, or in some cases, after a hearing before the Zoning Board of Appeals. Applications are available in the Building Department.

WORK WITHIN PUBLIC WAYS

Any work within a public way owned and maintained by the Town of Canton, including the installation of driveways or utility lines, requires a permit from the Canton Department of Public Works (DPW). The DPW is located at 801 Washington Street in the lower level of the Town Hall.

The Town's Scenic Roads Regulations and Massachusetts General Law Chapter 40, § 15C prohibit the destruction of stone walls and the cutting or removal of trees within the right of way of a designated scenic road without the approval of the Planning Board. After a public hearing is held on a Scenic Roads application, the Planning Board will base its decision on a number of considerations, including the preservation of natural resources, scenic characteristics and public safety. Consult the Planning Board for a list of designated scenic ways.

STATE AND FEDERAL PERMITS

Depending on the size and nature of your proposed project and its suspected environmental impact, you may need one or more permits from the state or federal government. The most common are:

- Curb-cut permit from the Massachusetts Highway Department for work that will have vehicular access onto a state highway (e.g., Route 138);
- Permit from the Army Corps of Engineers for work affecting any wetlands over Five Thousand (5,000) square feet (about 0.1 acre) in size, or the Neponset River;
- Certificate of Compliance from the Massachusetts Executive Office of Environmental Affairs, MEPA Unit, for certain types of projects. You should note that certain sections of Neponset Street are located within an Area of Critical Environmental Concern (ACEC). Development or significant changes to a project within this ACEC may require additional MEPA review.

Town staff may be able to assist you in determining the need for federal and state permits and put you in touch with the appropriate agencies, but cannot help you file your permit applications; it is your sole responsibility to ensure compliance with any federal and state permit requirements. The Appendix includes a list of potential federal and state permits and approvals, one or more of which could possibly be needed to start or complete a development project.

BUILDING PERMITS

You must have successfully obtained all other permits from the Town's regulatory boards by the time you get to the Building permit, the last one you will need before starting construction of your project. Before issuing a building permit, the Building Commissioner will again check for Zoning Bylaw compliance and review your building plans for compliance with the Massachusetts Building Code, plumbing codes, electrical codes and state handicapped access standards, if applicable.

OTHER PERMITS AND LICENSES

What if you are not building anything, but rather want to simply register your dog, or burn brush, or get married? Unfortunately, there are too many permits and licenses issued by various Town departments to describe each one in this handbook. This section contains a listing of permits and approvals issued by other Town offices and departments that were not discussed previously and may help you decide whether you need to meet with other Town staff about a proposed activity.

Public Works

- Street Opening/Excavation Permit Compost Area Permit (for private vehicles)
- Sewer/Water Service & Main Application/Connection/Inspections Drain Connection Permits Grading Permits
- Contractor Licenses
- Street Excavation Licenses
- Recycling Area Permits (no specific application forms)

Fire Department

- Application for Installation of Fire Alarm System and Certificate of Completion
- Permit to Install/Alter Fuel Oil Burning Equipment
- Certificate of Compliance for Smoke Detector Installation/Carbon Monoxide Detector Installation
- Permit to Maintain an Existing/New Underground Storage Facility
- Permit for Removal and Transportation of Underground Storage Tank to Approved Tank Yard
- Permits for: storage/handling/use of cellulose nitrate film, combustible fibers, certain explosives or flammable fluids, solids and gases; cannon or mortar firing, or fireworks displays; storage, installation or connection of LP gas equipment; transportation of certain flammable liquids; tire storage; covered malls, trade shows, exhibits and displays; storage, handling and distribution of regulated lumber; paint removal, installation and removal of storage tanks of any fluid other than water; installation, modification, repair or removal of any fire protection equipment (sprinkler system) " Burning Permit " Welding and Cutting Operations " Temporary Heat " License application approval for certain quantities of flammable liquids which are licensed by the Board of Selectmen Form 21-E Information Requests.

Police Department

- License to Carry Firearms/Handguns Firearms Identification Cards: Rifles and Shotguns.

Board of Selectmen

- Common Victualler License
- Limousine
- Junk Dealer
- Auctioneer
- Taxi
- Class I and Class II Auto Dealer
- Liquor and Entertainment

Board Of Health

- Application for Recreational Camps for Children
- Application for Dumpster Permit
- Application for License of Therapeutic Massage Practitioners and Establishments
Application for Soil and Percolation Testing
- Application for Permit for Food Service Establishments (e.g., food service, retail, temporary food, catering, mobile truck, residential kitchen, milk and cream, frozen dessert)
- Application for Tanning Facilities License
- Application for Retail Sale of Tobacco License
- Application for Motel/Hotel Operation License
- Application for Septage Hauler Permit
- Disposal Works Installers License Application
- Disposal Works Construction Permit (upgrade and new construction) Funeral Director Permit
- Permit to Abandon Septic System
- Permit to Install Private Well
- Pool Permit Application (public or semi-public swimming and special purpose pools) Registration of Hazardous Materials
- Trash Removal Contractor Permit

Building Department

- Application for Installation of a Wood Burning Device
- Application for Special Permit and Variance (Zoning Board of Appeals)
- Building Permit Application (including roofing, window, door, siding, pool, sign permits)
Certificate of Inspection Forms
- Demolition Permit Application Electrical Permit
- Application Gas Permit
- Application Plumbing Permit

Conservation Commission

- Abbreviated Notice of Intent Application
- Notice of Intent Application (together with application for Department of Army Corps of Engineers permit)
- Request for Determination of Applicability

Planning Board

- Application for Approval-Not-Required (ANR) Plan
- Application for Definitive Subdivision Plan Approval Application for Preliminary Subdivision Plan Approval Application for Public Hearing
- Application for Special Permits for four (4) specific cases as noted in the Zoning Bylaws.
- Review of Site Plans

Zoning Board of Appeals

- Application for Special Permit or Variance
- Application for Site Plan Review
- Appeal of Building Commissioner's decision

THE PROCESS

INTRODUCTION

Before you obtain any development permit application forms to complete and submit to the Town, first determine if your proposed project is an allowed use within the zoning district in which it will be located.

Uses that are not permitted as of right or allowed by the Zoning Board action can be allowed by Town Meeting action. An Article can be placed before the Town Meeting either by residents or by town boards to amend the Zoning Bylaws provided the amendment does not violate state laws. This would require a petition signed by ten (10) registered voters of Canton to bring the matter before an Annual Town Meeting for a vote.

If your proposed use is allowed by special permit, then you must obtain that special permit from the Special Permit Granting Authority. The process for obtaining a special permit is summarized later in this Section.

APPLICATION PROCESS

The application process for most development-related permits required by the Town can start at the Building Department. The Building Commissioner can tell you what permits your project may require and what application forms will be needed. You may still need (or wish) to see other Town staff regarding your project, but starting with the Building Commissioner will make these meetings more productive by preparing you with information about the questions that are likely to be asked of you.

Where special permits or other zoning relief is required from two separate SPGAs, where should the applicant go first? The ZBA typically asks for input from the Planning Board, therefore, it recommends that the applicant submit to both boards, concurrently. The applicant can always request a continuance should the ZBA hearing on the project be scheduled before the Planning Board has had opportunity to review the special permit application. Caution should be taken, however, to make sure that any project changes made in response to the requests of one board be communicated to the other permit granting boards so that in the end the *same project is* approved by all boards. As stated above, for complex projects where more than one board is involved in the review of a project, you may wish to meet with the PAC to ensure that the activities of the various boards are coordinated.

Before the designated SPGA can grant a special permit, it must hold a public hearing which must be held within sixty-five (65) days after you have filed your completed application. If your application is to the Planning Board or to the ZBA, then you file the application with the Town Clerk directly and the Planning Board or Zoning Board simultaneously. You must also request an “abutter’s list” from the Board of Assessors.

REVIEW PROCESSES

1. Subdivision Approval Process

If your proposed project involves the subdivision of land, you must abide by the Town's Planning Board's "Rules and Regulations Governing the Subdivision of Land in Canton." The regulations can be obtained from the Planning Board.

Every person submitting a subdivision plan to the Planning Board must also give written notice to the Town Clerk by delivery or by registered mail (Chapter 41, § 81T).

The Planning Board must act on an "Approval Not Required" (also known as an "ANR", "81 P" or "Form A" plan) within 21 days of its submission (Chapter 41, § 81 P).

The Planning Board must act on a Preliminary Plan within forty-five (45) days of its submission. A Preliminary Plan must be filed for all non-residential subdivisions and may, if the applicant chooses, be filed for a residential subdivision.

The Planning Board must act on a Definitive Plan within One Hundred Thirty-Five (135) days of its submission unless a Preliminary Plan has been previously filed. If a Preliminary Plan has been acted upon, the Planning Board has Ninety (90) days within which to take action on the Definitive Plan.

A generalized flow chart of the Subdivision Approval Process attached as an Appendix A. Note that this flow chart, adapted from the Massachusetts Federation of Planning and Appeals Boards, does not mention the PAC review process. The PAC is particular to Canton; not every Massachusetts community has established this type of committee.

2. Special Permit Granting Authority

There are certain types of land uses and projects that are authorized in Canton only by special permit. Submission requirements for these uses are contained in the Zoning Bylaws, and can be obtained from the Special Permit Granting Authority (SPGA) for proposed use.

Special Permits and Exceptions:

Where a special permit or other exception may be authorized by the Board of Appeals or the Planning Board under the bylaw, the person desiring such exception shall make written application therefore with said Board. Where, in the opinion of said Board, the special permit or exception may be granted if accompanied by conditions specially designed to safeguard persons and property in the vicinity and the Town, it shall impose such conditions in writing and make them part of its authorization. Said Board may require a bond or other security for compliance with the terms of its authorization.

- Special permits may be issued for uses which are in harmony with the general purpose and intent of the Zoning Bylaws and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safeguards, and

limitations of time or use.

- Special Permits shall only be issued following public hearings held within sixty-five (65) days after filing of an application with the special permit granting authority, a copy of which shall forthwith be given to the Town Clerk by the Applicant.

If your proposed project or use will require a special permit, see the Building Commissioner or Planning Board to obtain the proper application forms and information regarding submittal requirements and procedures. You can also obtain this information from the Town Clerk.

3. Site Plan Review Process

New construction, exterior alterations or parking area additions in non-residential districts are required to undergo site plan review by the Zoning Board following a review by the Planning Board. In this process, the Board evaluates the proposed project using the standards outlined in Section 16A of the Zoning Bylaw, which include the project's impacts on open space, traffic circulation, surface water drainage, safety, and water quality, among others.

Applications for site plan review, which are no longer reviewed as special permit applications, require a public hearing and the notification of abutters (see the next section).

- After the close of the public hearing, the Zoning Board has a "reasonable" time frame in which to render its decision;
- The Board's decision on a Site Plan Application is effective immediately, provided no Special Permit or Variance is requested at the same time. There is no provision for an appeal for a Site Plan review unless a Special Permit or Variance is requested at the same time.

4. Public Hearing

The public hearing allows local residents, particularly neighbors and abutters, to comment upon your proposed project. The SPGA cannot grant you a special permit unless it finds, among other things, that the proposed use will not adversely affect the neighborhood and will not pose a nuisance or serious hazard to vehicles and pedestrians. A public hearing must be held on all applications for special permits, site plan review and variances. (The Planning Board must also hold public hearings for all applications for definitive subdivision plan approval). Public hearings are publicized and the abutters to your proposed project will be notified of the hearing by the Planning Board or Zoning Board of Appeals. Obviously, the comments and concerns of neighbors and abutters will be a matter of some consequence to you, so do not wait to speak to them until you are required to formally notify them of the public hearing. Let them know about your ideas and include them if you can in your project planning, so you can address any concerns they may have early in your planning process. The more you are able to arbitrate your neighborhood's concerns about your proposed project before the required public hearing, the more likely it is that the SPGA may find in your favor.

Although both of the boards that are designated SPGAs in Canton operate somewhat differently, the public hearing will generally follow the same outline. You (or your representative) will be asked to

briefly state what you have done to address these concerns and why the special permit should be granted. After your statements, the members of the SPGA board will offer their comments or questions. Then the SPGA chairman will solicit comments from abutters and other residents present. Anyone may speak in person, or through a Consultant or Attorney, at the hearing. When all persons wishing to speak have done so, the chairman will close the hearing and the SPGA will take the matter under advisement.

Under no circumstances can the SPGA allow new evidence or testimony to be heard after the close of the public hearing, unless the SPGA had previously requested it, so if you have any responses to public comments and concerns about your project you should make them heard before the public hearing is formally closed.

5. Conservation Commission Permits

The Canton Conservation Commission regulates any alteration of land in a wetland and within one hundred (100) feet of any wetland. Wetlands are legally defined in Massachusetts by three (3) parameters: soil, hydrology, and vegetation (the presence of particular plant types). You are liable for restoration costs if you should make any alterations unknowingly to a wetland. Ignorance is not an acceptable excuse, since finding out whether wetlands may be involved in your project is simply a matter of contacting the Conservation Commission. It should also be noted that the Conservation Commission has jurisdiction over land within two hundred (200) feet of a river or stream.

The Conservation Commission issues two (2) kinds of permits. The first, a "Determination of Applicability", is a response to a "Request for Determination of Applicability". The Request application form is available from the Conservation Consultant and is used to determine the exact location of wetland boundaries. The Commission's Determination of Applicability will state whether the Wetlands Protection Act applies to your project and the minimal conditions to be placed on the proposed work. If more information is required or more than minimal conditions need to be imposed, a "Notice of Intent" will be required from you.

Secondly, the Notice of Intent (NOI) is used for any project either in or very close to a wetland boundary, and for large and complex projects that require extensive soil disturbances or drainage discharges. If your project will disturb less than One Thousand (1,000) square feet of area within the wetland buffer zone only, then you may request and file an abbreviated, rather than a full, NOI. You are likely to need professional services such as surveying, drafting, engineering or a wetlands scientist to complete the NOI application form.

In response to the NOI, the Conservation Commission issues an "Order of Conditions" permit, which specifies how the proposed work is to be accomplished in order to protect the affected wetlands. The Conservation Commission may also require a performance bond if it grants the Order of Conditions permit, to ensure compliance with the permit conditions. The bond is returned to you, with interest, either incrementally as work proceeds or at the satisfactory completion of the project when you request a "Certificate of Compliance".

Note that a public hearing must be held on all applications to the Conservation Commission. All public hearings are publicized with a legal notice published in a newspaper, and you will be responsible for notifying all your abutters of the hearing, so it may be helpful to review the "Public Hearing" Section.

Instructions for filing a "Request for Determination" or a "Notice of Intent" are available at the Conservation Office located at Pequitside Farm at 79 Pleasant Street.

6. Building Permit Approval Process

All structures must meet the dimensional and use requirements of the Zoning Bylaw, as well as any other applicable requirements, rules and regulations of the Town of Canton. Before construction, you must obtain a building permit from the Building Commissioner. The application for a building permit can be obtained from the Building Department on the Lower Level of Town Hall.

"BUILDING" PERMITTING EXAMPLES: REQUIREMENTS FOR MINOR PROJECTS

Example 1: Adding to an Existing Structure

Suppose you want to build an addition to an existing structure. This Handbook and Checklist suggest that you start with the Building Commissioner to obtain a copy of the Zoning Bylaw (available for purchase). The Building Commissioner and you might review your proposed project to make sure that all setback requirements for your zoning district are met. If they are not met, then you might consider redesigning the project to satisfy the requirements. If redesign is not feasible because of some aspect of your land, you may want to discuss the application procedures for pursuing a variance from the ZBA.

The Building Commissioner might also ascertain if your proposed addition is in the Groundwater Resource Protection District (GPD), in which case you may need to go to the ZBA for a special permit. If your project structure and use is solely residential, you will not need a special permit. Assuming your proposed addition satisfies the setback requirements and is outside the GPD, you would next check to see if your addition will be more than one hundred (100) feet from any wetland (we have also assumed there is no subdivision of land involved in your project). If it were less than one hundred (100) feet from a wetland, you could either redesign your project to avoid Conservation Commission review, or discuss the project with the Conservation Commission Consultant and submit a Request for Determination of Applicability.

Let us assume that the proposed addition is more than one hundred (100) feet from any wetland. So next the Town needs to know if the project will include a septic system, in which case you will want to meet with the Health Director regarding your septic system design and applicable local and state requirements. If no septic system is involved, there is no further Board of Health review or involvement unless the proposed addition is to a restaurant. If the project involves hookup to the Town's sewer, water, drainage, or street openings, you would go to the Water/Sewer Division within the Department of Public Works to discuss these requirements. Then you would go to the Building Department to present your permits and approvals and apply for your building permit.

If a bedroom is added or created, submit three (3) sets of plans to the Fire Prevention Officer for review. The Fire Prevention Office will return two (2) sets of plans, which will be submitted to the Building Department as part of the Building Permit Package. *Contact the Fire Prevention Office at 99 Revere Street, Canton, at 781-575-6654.*

Example 2: Building a New Home

Suppose your project was not an addition, but rather a new home you were planning to build on a lot you had purchased in Town. The process is very similar. Once again you would visit the Building Commissioner to obtain a copy of the Zoning Bylaw and discuss the project. Assuming that a single-family home is an allowable use in your zoning district, the Building Commissioner will help you determine whether the existing lot is of sufficient acreage for a single-family home in the district, has adequate frontage, and whether the proposed house would fit within the required setbacks. If the proposed house does not fit within the required setbacks, you would need to change the proposed house size or location on the lot, or explore the possibility of a variance from the ZBA. If there were any wetlands suspected within one hundred (100) feet of the lot, or any river or stream within two hundred feet (200 feet) of the lot, you would arrange a meeting with the Conservation Commission to discuss submittal of a Request for Determination of Applicability.

If no wetlands are involved, your next step is to contact the Health Director if your new home will require a septic system, to obtain Board of Health approval. If your new home will instead hook up to existing sewer lines, you will need to contact the Engineering Division of Public Works and obtain a sewer connection permit as well as any water, drain, grading, and street opening permits that may apply. Additionally, three (3) sets of building plans must be submitted to the Fire Department for approval of the smoke detector locations. Once these permits and approvals have been received, they will need to be reviewed by the Building Commissioner before the building permit is issued.

CONCLUSION

Canton Town officials, boards and staff hope that this handbook has provided enough information to get you started obtaining the necessary approvals for your proposed development project. But as stated above, there are other local permits, licenses and approvals that are not reviewed and summarized here. This is only a summary guide. You are encouraged to speak with the Town staff, including the Building Commissioner, about your project ideas and concepts as early in the design stage as is practicable. Such early communication is likely to save you a good deal of frustration, time, and possible expense later on during your development review process.

FEDERAL AND STATE PERMITS AND/OR APPROVALS

The following list is by no means exhaustive, and if any questions remain, you are encouraged to seek legal counsel. The majority of small development projects will not have need for any federal or state permits or approvals, but as projects increase in size and complexity, the applicant should be aware of the potential applicability of any one or more of the following:

FEDERAL PERMITS

1. Clean Air Act Permits or Approvals may be required directly from the Environmental Protection Agency (EPA) for certain emissions and hazardous air pollutants from new sources of these regulated air pollutants; most of the federal requirements, however, are incorporated by Massachusetts in its State Implementation Plan, or SIP (see State Clean Air Act).
2. Clean Water Act, Section 404 Permit requires a project involving the discharge of dredged or fill material into waters of the United States (including federally defined wetlands) to obtain a permit from the Army Corps of Engineers. The permit may be a programmatic general permit, an individual permit or an official letter of permission.
3. Clean Water Act, Water Quality Certification Approval requires the state to determine whether certain activities meet state water quality standards; if they do not, then the Army Corps of Engineers is prohibited from issuing a Section 404 permit for the activity.
4. Environmental Protection Agency Stormwater Notices of Intent and/or NPDES Permits are required for stormwater discharges associated with certain industrial activities. The term "industrial activity" was recently redefined to include "construction activity including clearing, grading, and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale". The project owner and operator are required to file a Notice of Intent and pollution abatement plan with the Environmental Protection Agency.
5. National Environmental Policy Act, or "NEPA" requires the preparation of an environmental impact statement (EIS) to assess the impact of a major federal action, i.e., projects and programs entirely or partly financed, assisted, conducted, regulated or approved by federal agencies that may have a significant impact on the quality of the human environment. Major federal actions are either defined by statute or determined by agency officials.
6. National Flood Insurance Act and Flood Disaster Protection Act Certification requires that financial institutions not make, extend or review any loans secured by improved real estate located in an area having flood hazards, and in which flood insurance is available, unless the building securing the loan is covered by flood insurance. This usually requires architectural or engineering review and certification of building plans to the lender.
7. National Historic Preservation Act Section 106 Review requires that certain federally assisted, permitted and licensed activities that might have an adverse effect on properties listed

with, or eligible for listing with, the National Register of Historic Places be reviewed concerning that effect and its consequences; Section 106 review is accomplished by submitting a Project Notification Form to the Historical Commission.

8. Rivers and Harbors Act of 1899, Section 10 Permit requires a federal permit from the Army Corps of Engineers for dredging, filling or obstruction of navigable waters such as the Neponset River; the Section 10 permit is often applied for in conjunction with a Section 404 permit.

STATE PERMITS

1. Hazardous Waste Management Permits may be required from the federal Environmental Protection Agency or state Department of Environmental Protection (DEP) if any wastes generated by the project are hazardous, depending on the types or quantities generated; contact the Canton Fire Department for information.
2. Massachusetts Environmental Policy Act or "MEPA" requires state agencies to evaluate the environmental impact of all projects or activities undertaken by state agencies and of private projects seeking state funding or permits. An Environmental Notification Form must be filed if the project meets one or more of the thresholds specified in the regulations, although certain activities automatically require the preparation of an Environmental Impact Report. Note that projects involving properties located in the Fowl Meadow Area of Critical Environmental Concern (ACEC) trigger certain MEPA review thresholds.
3. Massachusetts Clean Waters Act, Sewer Extension/Connection Permits are required for the connection of a project to a sewer system unless exempted. There are pre-treatment requirements for industrial users, which must be coordinated with the permitting requirements of the Massachusetts Water Resource Authority.
4. Massachusetts Clean Waters Act, Surface Water and/or Groundwater Discharge Permits Surface Water Discharge Permits, administered jointly by the federal Environmental Protection Agency and the Massachusetts Department of Environmental Protection (DEP), are required for point source discharges to United States waters and application should be made simultaneously to both agencies. A permit may also be required for stormwater discharges where runoff is substantially contaminated or if contamination exists because the discharge is located within an industrial area or is associated with industrial activity. If the project is in an unsewered area, a Disposal Works Construction Permit must be obtained from the local Board of Health in accordance with Title 5 of the State Environmental Code. If a sewerage disposal system with capacity in excess of Fifteen Thousand (15,000) gallons per day will be constructed, a groundwater discharge permit must be obtained.
5. Massachusetts Clean Air Act Approval must be obtained in writing from the Department of Environmental Protection (DEP) for the plans, specifications, and proposed operating procedures for the construction, substantial reconstruction or alteration of any stationary source of air pollution, unless specifically exempted. Stationary sources emitting certain pollutant levels must also register with the DEP. Anyone constructing or demolishing a commercial building, or

residential building with twenty (20) or more units, must notify DEP at least ten (10) working days prior to starting work, if it will create emissions that cause or contribute to a condition of air pollution.

6. Massachusetts Endangered Species Act prohibits the taking or possession of any plant or animal species listed in the federal Endangered Species Act, or the alteration of a significant habitat. A project developer should review the list of endangered species and habitat maps available from the Division of Fisheries and Wildlife.

7. Massachusetts Historical Commission Approval must be obtained if a designated historical or archeological landmark will be altered or affected by a project undertaken by a state agency or any private party seeking any state funding, permits or licenses for the project.

8. State Highway Access Permit must be obtained in writing from the Massachusetts Highway Department if a project will involve the creation, alteration, expansion or substantial impact upon an opening onto a state highway. This includes property which has access directly onto state highways and property which abuts a state highway layout.

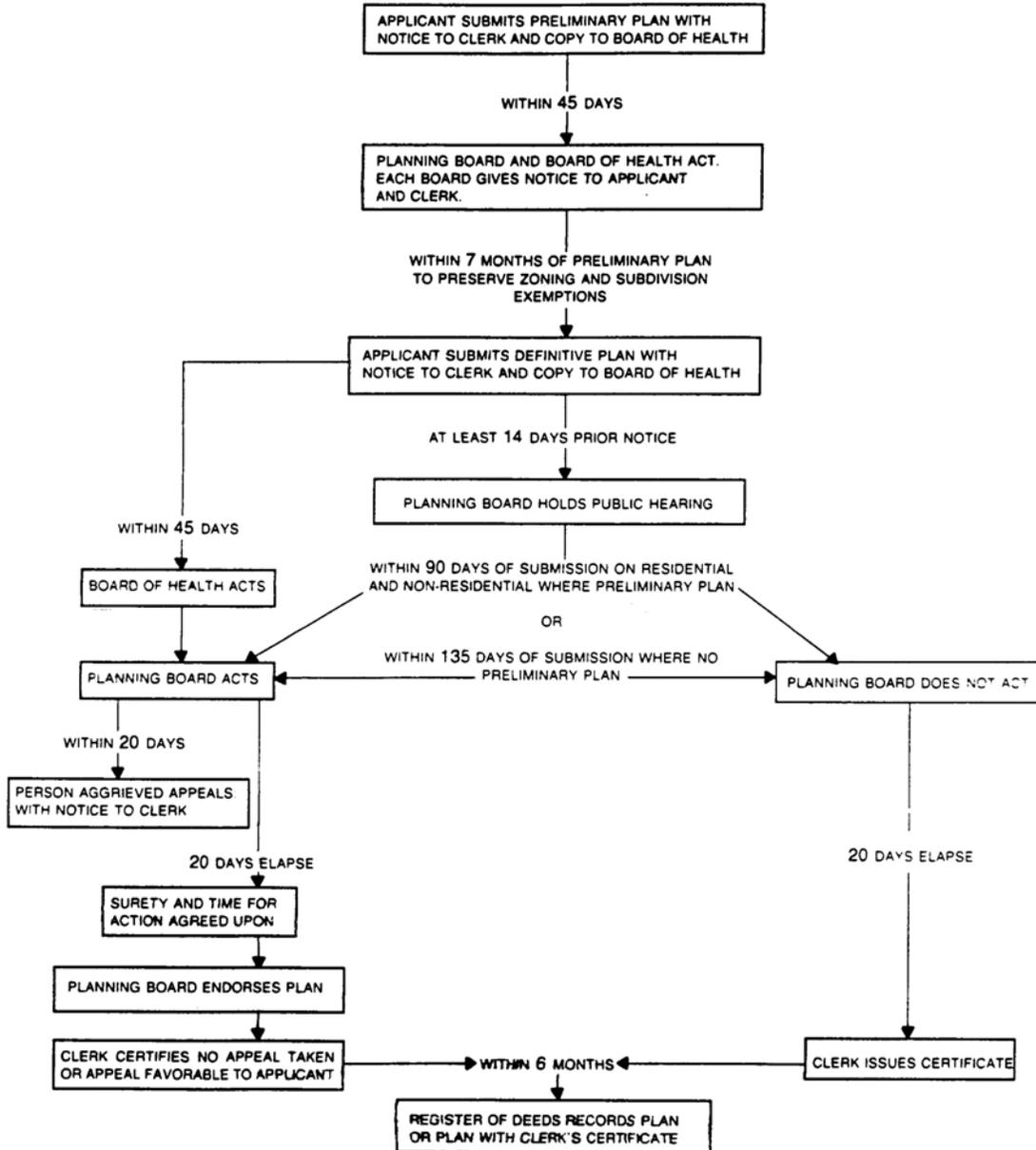
9. Waterways, Great Ponds and Tidelands Construction License must be obtained from the Department of Environmental Protection, Wetlands and Waterways Division, for any construction below the high water line of state waterways, great ponds (ponds over ten (10) acres in their natural state) and tidelands.

Additional Data:

- Town of Canton Master Plan (June, 2004)
- Town of Canton Website: www.town.canton.ma.us
- Massachusetts Office of Business Development: www.mass.gov
- Canton Association of Industries: www.cantonai.org
- Neponset Valley Chamber of Commerce: www.nvcc.com
- Canton Journal Newspaper: www.townonline.com/canton

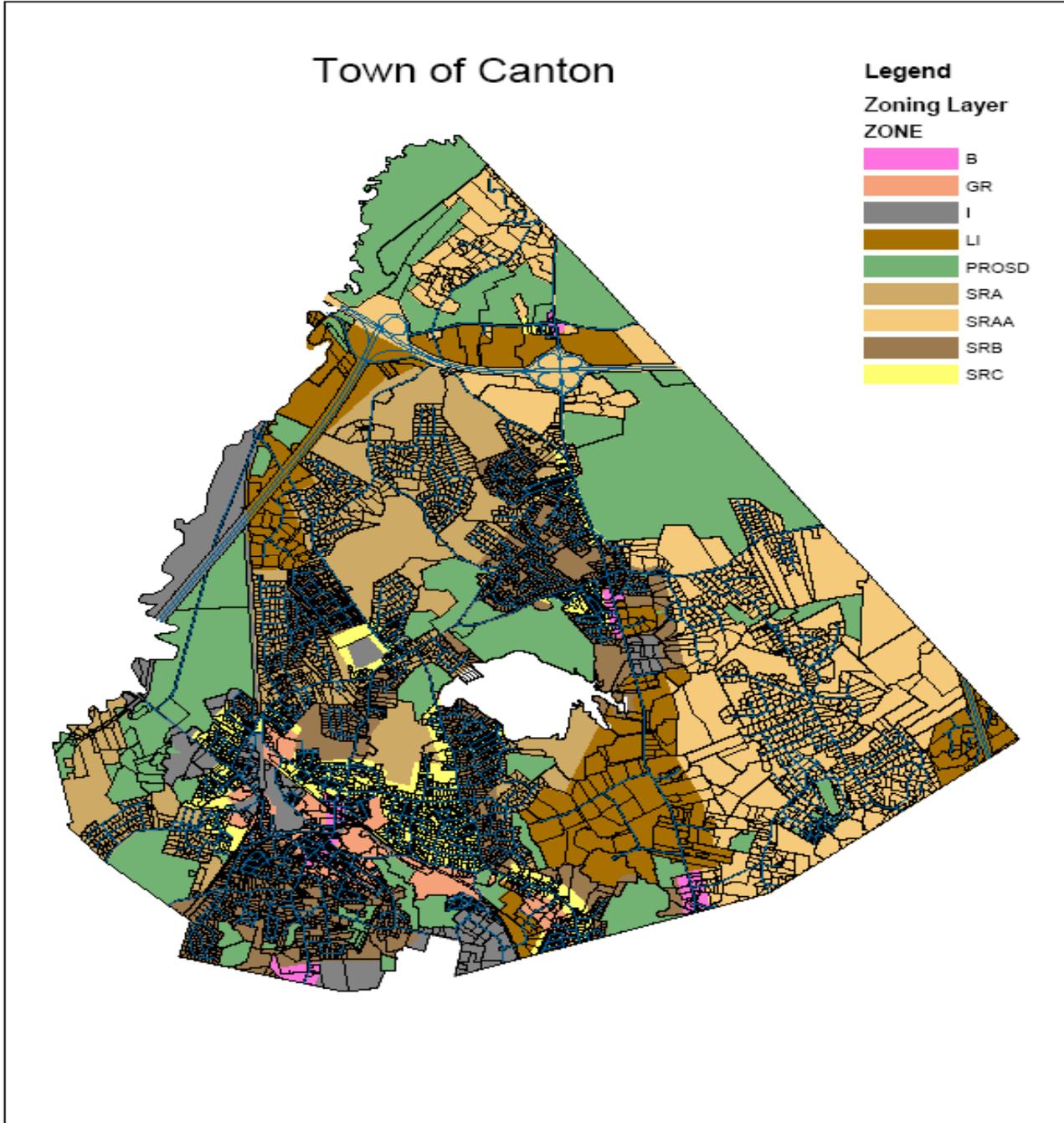
APPENDIX A

Subdivision Approval Process



Massachusetts Federation of Planning and Appeals Boards 1972
(Revised 1980, 1983, 1988)

CANTON ZONING MAP



Available for purchase through the Zoning Board of Appeals in two sizes; a 3.0' by 2.0' map at Ten Dollars (\$10.00) per map or a 1.5' x 1.0' version for Five Dollars (\$5.00) per map.

Also available for viewing online @ www.town.canton.ma.us/town_offices/zoning