

AGAWAM DEVELOPMENT HANDBOOK



*Updated for the city of Agawam
by the Agawam Chamber of Commerce*



AUGUST 2003

IMPORTANT

This handbook is intended to assist applicants and the staff of the Town of Agawam by providing a simplified process outline for construction activities in the Town of Agawam. This handbook serves in no way to supercede local, state, and/or Federal regulations. A list of those regulations is found at the end of this document.

Introduction

The format of this Handbook is designed to make the construction permitting process more understandable. Please consider the preliminary requirements and notices, listed after the table of contents, before you begin undertaking a project. The first portion of the Handbook contains flow diagrams, showing the general construction permit process for one to four family residential dwellings, five or more residential dwellings, and commercial and industrial construction. These diagrams provide a step-by-step guide to help walk you through the permitting process.

The diagrams are followed by individual descriptions for each permit or approval process. For easy-reference, the heading of each description displays the cost, time frame, and department responsible for that step in the permitting process. The Handbook lists individual descriptions by their relative order in the flow diagrams.

The end of the Development Handbook offers several additional resources. A permit/process summary chart makes the cost, length of time, and responsible department available at a quick glance. Afterwards, the Handbook provides brief descriptions of other permits, at the State and Federal level that are sometimes needed for construction projects in the Town of Agawam. This is followed by a listing of all laws, State and Local, that form the basis for construction and development requirements in the Town. Lastly, there is a listing of Agawam Department Heads and their telephone extensions.

The construction permit process is complicated, and this Handbook is meant to serve as a general guide. For more information, you may call (413) 786-0400, or visit the Agawam Town Hall at 36 Main Street.

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Considerations Before Getting Started

Outstanding Municipal Taxes or Other Charges

To aid your applications, settle any outstanding taxes or charges owed to the Town of Agawam before beginning the construction permitting process. The Code of the Town of Agawam § 1-7, in accordance with Massachusetts General Laws chapter 40, § 57, allows the Town of Agawam to deny or revoke a license or permit for failing to pay municipal taxes or charges.

Demolition of Historically Significant Buildings

If part of your project involves demolition, you should note that issuance of demolition permits will be delayed and possibly prevented for buildings and/or structures that have historical significance. The determination of historical significance begins with the application for a demolition permit from the Inspector of Buildings. For more information on the process of determining historical significance, please consult the Code of the Town of Agawam § 82-3.

Federal and State Permits and Approvals

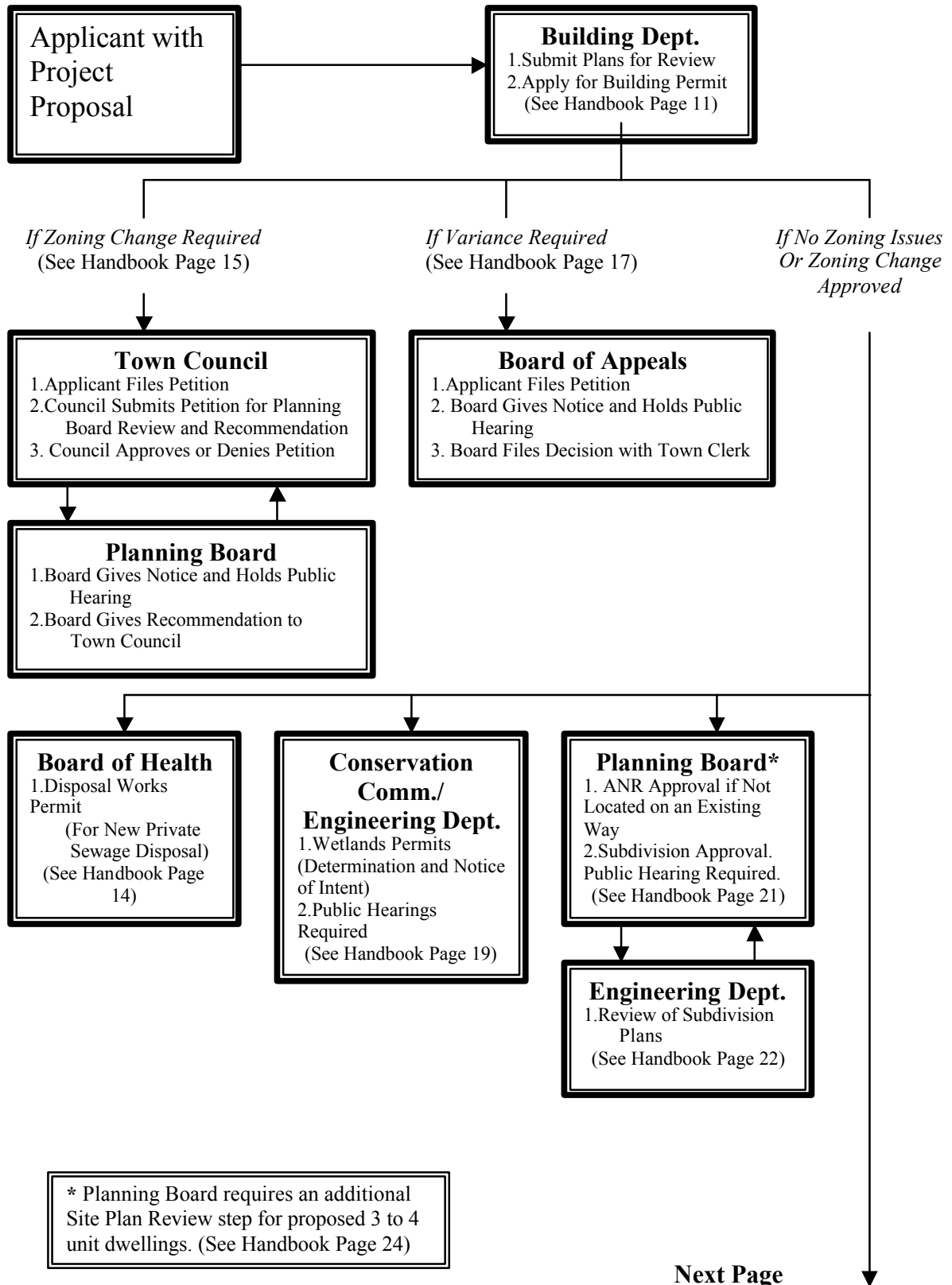
In addition to construction permits required by the Town of Agawam, projects of greater size and complexity may require Federal or state permits or approvals. Page 34 of this handbook lists some of the more common permits required.

Non-Construction Permits and Business Licenses

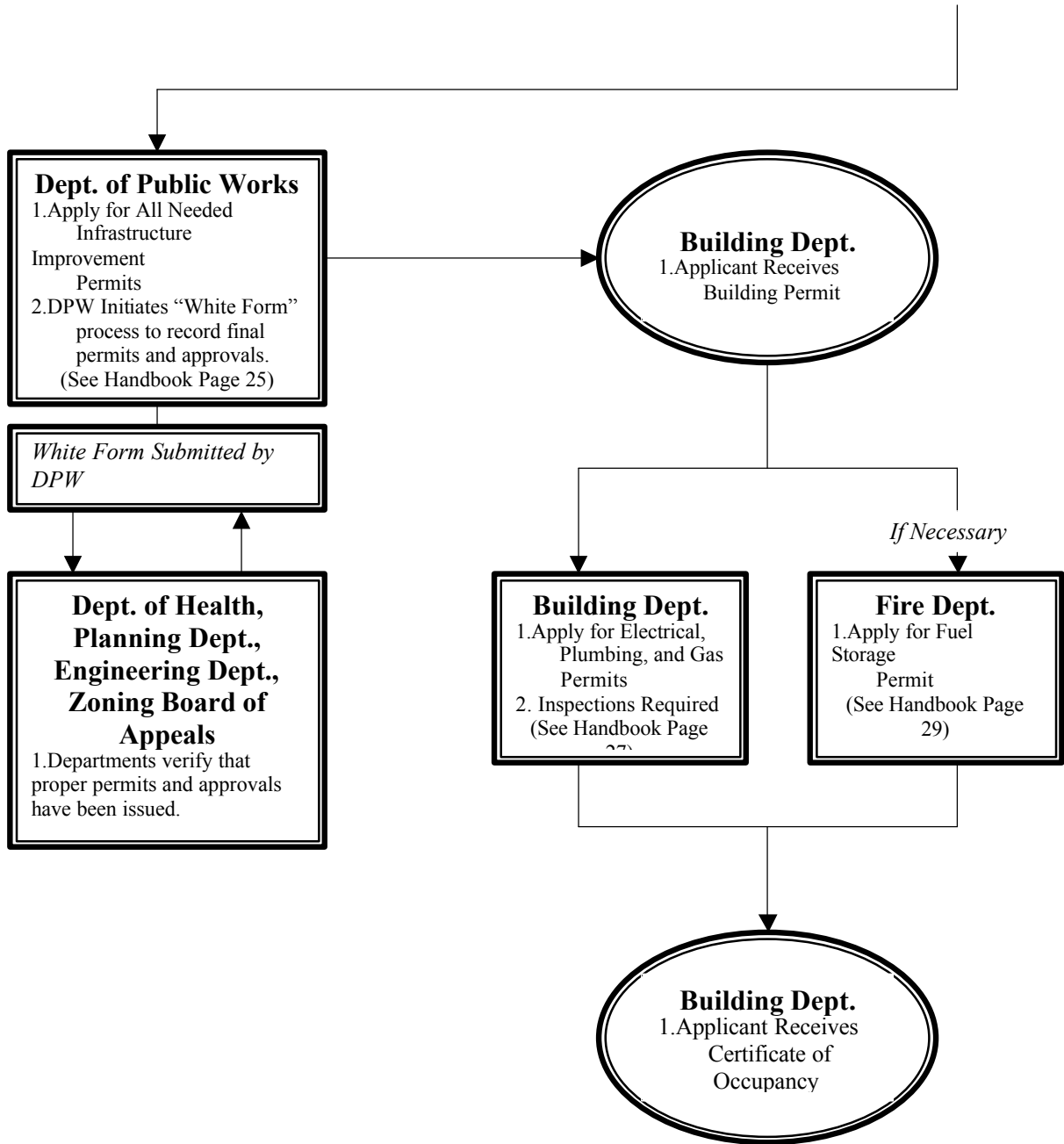
This handbook details only the permits and processes related to construction in the Town of Agawam. The Town also issues a variety of other permits and licenses, ranging from pet and liquor licenses to sign permits. Be aware that some non-construction permits are required in order to open or operate specific types of commercial businesses. If you plan

to develop a new business in Agawam, or if you need another type of non-construction permit or license, it is advisable to contact either Inspection Services in the Building Department, or the Town Clerk to help you determine how to move ahead.

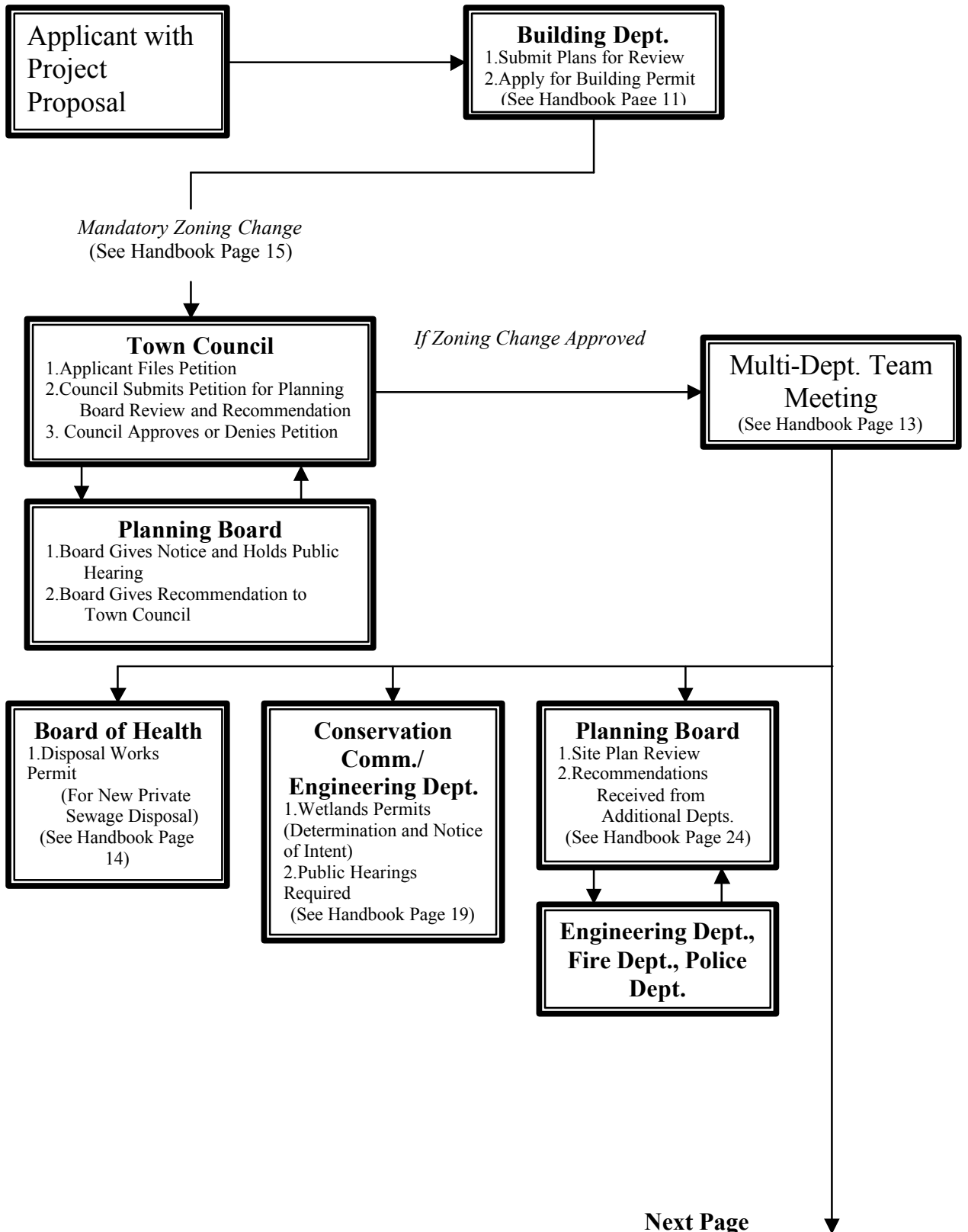
Construction Review and Permit Process: One to Four Family Dwellings Town of Agawam



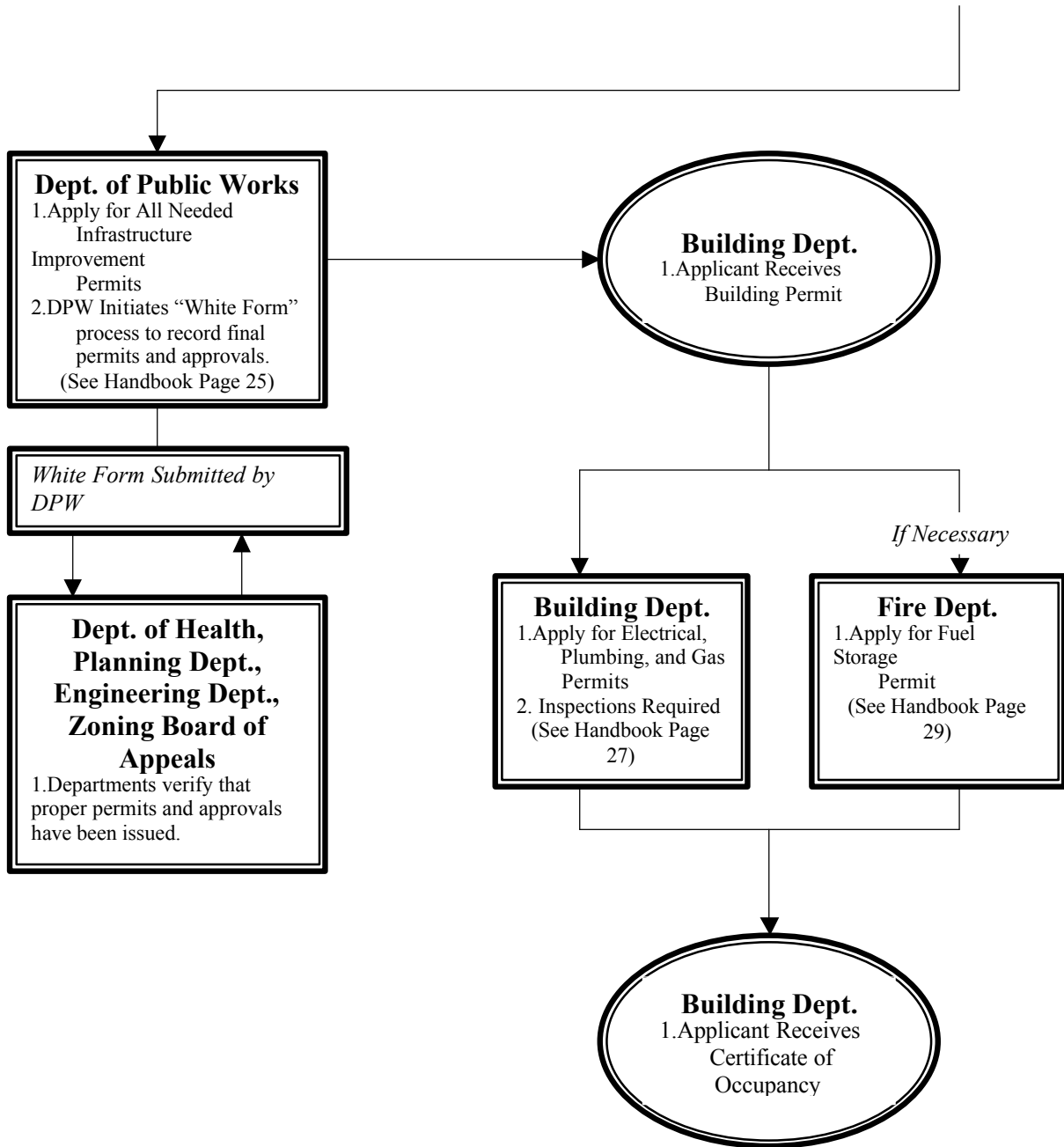
Construction Review and Permit Process: One to Four Family Dwellings
 Town of Agawam
 (Continued)



Construction Review and Permit Process: Five or More Family Dwellings Town of Agawam

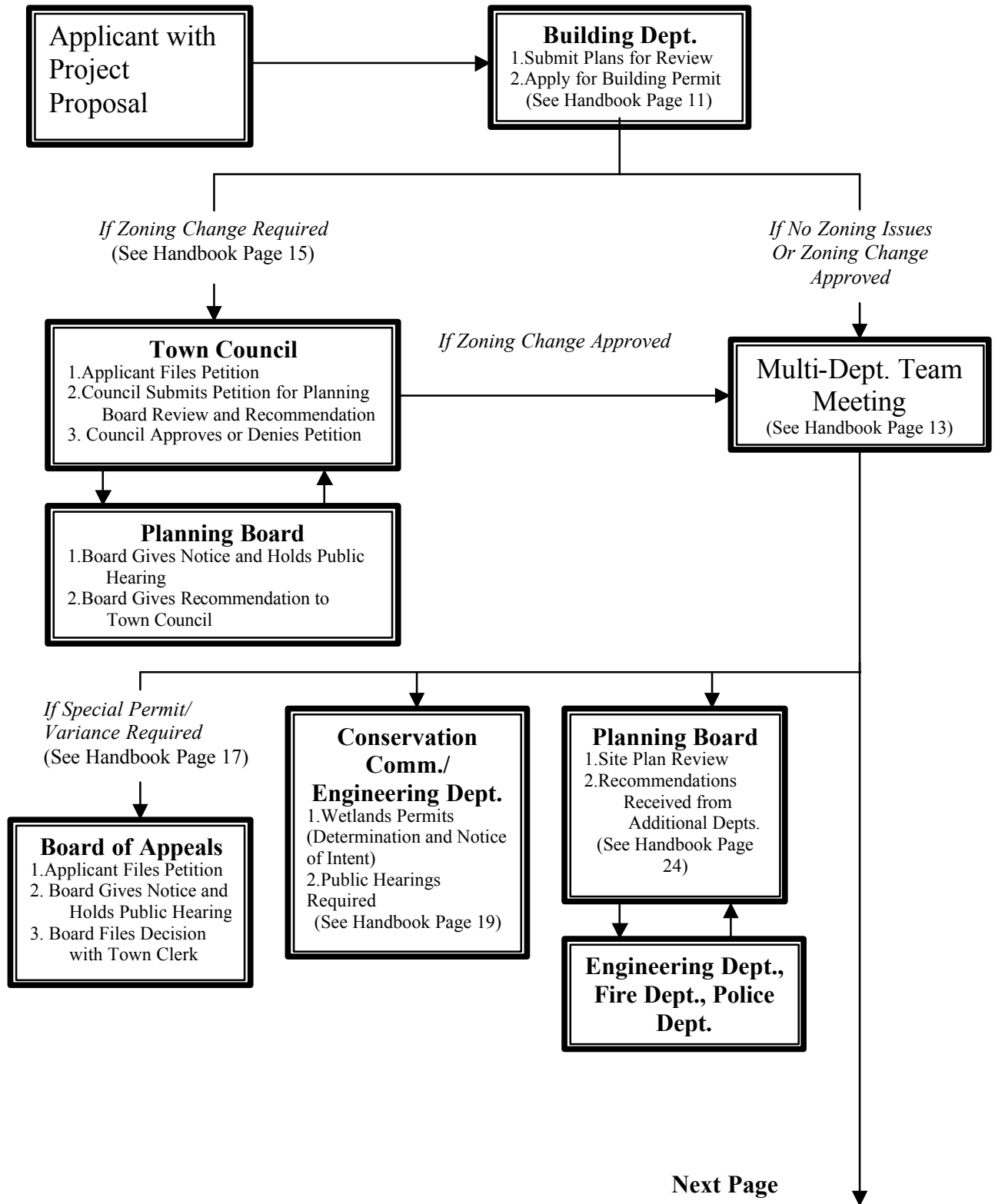


Construction Review and Permit Process: Five or More Family Dwellings
Town of Agawam
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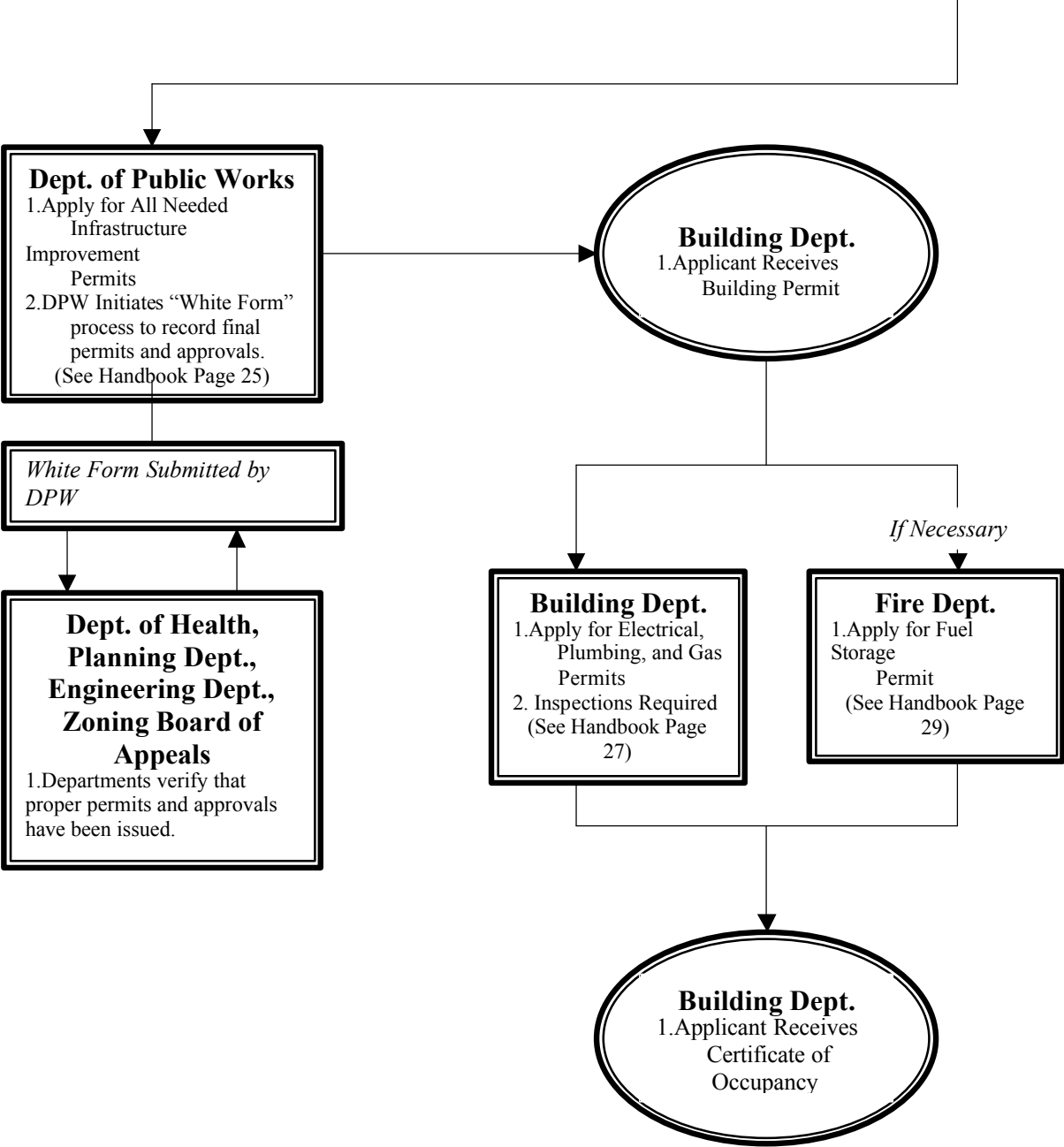


Construction Review and Permit Process: Commercial or Industrial Town of Agawam

Note: Certain Business Activities May Require Specialized Town Permits Before Construction or Operations Begin. See Page 4.



Construction Review and Permit Process: Commercial or Industrial
 Town of Agawam
 (Continued)



Permits and Processes

Building Permit

Department: Building Department

Fee: Variable (See P. 32) **Time Frame:** Approximately 30 days

Description:

The Town of Agawam regulates construction activity through the enforcement of the Commonwealth of Massachusetts State Building Code, 780 CMR, in order to provide minimum safety standards for design, certain construction methods, materials, occupancy, building location and maintenance. Building permits are required to insure that these regulations are met.

Procedure and Requirements:

Receiving a building permit takes multiple steps, and requires the applicant to pursue additional permits and approvals from other departments in order to complete the process. The flow charts at the front of this handbook are a useful guide to the overall process and to common additional requirements. The Building Department will work with applicants to determine specific approvals or permits that may be necessary for a particular project.

Step 1: Application

An applicant for a Building Permit must file one complete set of building plans and fill out an Application for a Building Permit. In the building plans, or attached to the Application for Permit, the following information must be provided for the Inspection Division:

1. Legal description.
2. Plot Plan- Needed to assign addresses and to check setbacks and curb cuts.
3. Site Plan (Drawn to 1"=8') that includes:
 - A. Existing structures and proposed new structures or additions (including dimensions).
 - B. Setbacks from property lines.
 - C. Adjacent streets.
 - D. Parking layout and driveways.
 - E. Curb cuts.

4. Cost of project.
5. Building Plans, that include:
 - A. A dimensional floor plan showing exits, door and window sizes, window types and interior partition layout.
 - B. Foundation plan.
 - C. Ridge layout.
 - D. Ceiling and floor joist layout.
 - E. Beam size and supports.

Step 2: Application and Plan Review

Once the required application has been submitted, the statutes require that the Building Permit be issued within 30 days (usually takes 5-10 days). During this period the Building Department will be responsible for verifying the information contained in the application.

The Inspector of Buildings and/or a Designee Reviews the Following:

1. Submitted plans for compliance with the Building Code for light and ventilation, exiting, minimum room size, stairway construction, maximum spans for structural members, smoke detectors, etc.
2. Use and Site Plan for compliance with Zoning Ordinance, including required setbacks, yards, lot size, maximum heights, parking spaces, minimum required open space, location and occupation of rear yard area for accessory buildings, etc.
3. Flood Plain Map to determine if development permit for location of improvements within the flood plain is required. If so, an Application for such permit may be filed by the applicant with the Board of Appeals on furnished forms.
4. Legal description.
5. Calculates fees based on White Form returned from other departments.

Step 3: Permit Issued

The Building Permit is issued when the Building Department:

1. Completes its review.
2. Receives the applicant's "White Form" from the Department of Public Works, confirming that all other applicable Town permits and approvals have been obtained. (See page 25).
3. Receives required fees from applicant.

Application Tips:

- All dimensions on plot plans must be measured from legal property lines (marked by property pins.) Measurements based on sidewalks or curbs are not acceptable.

- Site and building plans must be true construction drawings, and include all proposed structures and/or additions (including outdoor structures, such as decks.)

Multi-Department Team Meeting

Department: Multiple (organized by Planning Department)

Fee: None

Time Frame: 1 day

Description:

To assist applicants with the complex procedures and considerations involved in larger construction projects, the Town of Agawam has instated Multi-Department Team Meetings. These meetings bring together representatives from different Town departments to guide, advise, and troubleshoot potential problems before the permitting process is substantially underway.

Projects requiring Multi-Department Team Meetings include all commercial and industrial projects, as well as proposed residential projects of five (5) or more family dwellings.

Procedure and Requirements:

1. Applicants must receive approval for any necessary zoning changes before requesting a Team Meeting. (Note: Since no developable land in the Town of Agawam is currently zoned for 5 or more multiple-family dwellings, all proposed development of that density requires a zoning change.)
2. Applicants may request and schedule a Team Meeting by contacting the Planning Department.

Disposal Works Permit

Department: Board of Health

Fee: \$100 (new construction) **Time Frame:** 5 working days

Description:

If you plan to construct a home or business and do not have access to a sanitary sewer line, a private sewage disposal system must be constructed. Under the State Sanitary Code, 310 CRM 15.00, the Board of Health is responsible for approving the design and installation of such systems to ensure that they pose no threat to the welfare of the general public. The Disposal Works construction permitting process is the mechanism used to achieve this.

Procedure and Requirements:

1. Arrange for a percolation test to be made on the site between April 1 and June 15 (for new construction only.)
2. Apply for a Disposal Works Construction Permit at the Board of Health (either for repair or new construction.)
3. Submit design plans for approval.
4. Board of Health inspects system for conformance to approved plan and issues a certificate of compliance.

Application Tips:

- Applicants need to hire a licensed, professional engineer (P.E.) or registered sanitarian (R.S.) to perform a percolation test and soil evaluation before applying for a Disposal Works Construction Permit.
- Due to the complexity involved, applications for Disposal Works Construction Permits should be filed by a sewage disposal system designer.
- Please contact the Board of Health for a listing of sewage disposal system designers and installers.

Zone Change

Department: Town Council

Fee: \$500

Time Frame: 120 Days

Public Hearing Required

Description:

Zoning regulates the use of land by classifying land uses that are compatible with one another. Periodically an individual proposes a use for a property that is not allowed under the current zoning. When this occurs a zone change is often sought. Those individuals or Boards that are legally capable of initiating a zone change are: The Town Council, Board of Appeals, an individual owning land to be affected by the change or adoption, the registered voters of the Town pursuant to §10 of chapter 39, ten (10) registered voters, the Planning Board, and the Regional Planning Agency.

Procedure and Requirements:

The applicant must first present his plans to the Building and Zoning Department who will review them for compliance to regulations.

The applicant must accurately submit all data called for:

1. Applicant must file petition to the Town Council stating present zone and proposed zone (Apply through Building Dept.)
2. General Location of land must be included in petition.
3. Legal description of property must be included.
4. All petitions shall be accompanied by plans of the land (38 copies). Such plans shall be drawn on scale 1"=80', shall show the North arrow as well as the actual dimension, radii, and angles.
5. A fee of \$500.00 for each petition shall be submitted, a portion of which will pay for legal advertising.
6. All above conditions must be satisfied before the petition will be accepted for processing.

The applicant will be notified of the date, time and place of the public hearing to be held on his or her petition. The applicant or his duly authorized agent should be present at the public hearing.

The applicant must be aware that certain statutory time limits must be complied with. The following is a general resume of zone change procedures:

1. The application will be presented to the Town Council for processing. The Council shall within 14 days of receipt submit to the Planning Board for review.
2. The Town Council must request the Planning Board to give notice, hold a public hearing and give recommendations to the Council within 65 days of the first notice from the Council.
3. The Planning board must advertise twice. The first publishing of the legal advertisement shall be not less than 14 days prior to the date of the public hearing.
4. The Town Council cannot act on a petition until the Planning Board had made recommendations or 21 days have elapsed since the Planning Board public hearing.
5. Upon receiving recommendations of the Planning Board or 21 days having elapsed after the public hearing, the Town Council may proceed to take action on the petition.
6. The Town Council must act within 90 days of the public hearing. Failure to act shall require the Town Council to re-advertise for a new public hearing before action can be taken.

Application Tips:

- Applicants must have a registered architect, engineer, or land surveyor certify all plans of land submitted to the Building Department prior to submission.

Variations and Special Permits

Department: Zoning Board of Appeals (Apply at Building Dept.)

Fee: \$50 **Time Frame:** Variance-Max. 100 days **Public Hearing Required**
Special Permit-Max. 90 days **Public Hearing Required**

Description:

Each area of land is, to some degree, unique as to its suitability for, and constraints on development. Development standards imposed under the zoning code cannot foresee all conceivable situations peculiar to the development of every parcel at every moment. It is for this reason that variations and special permits may be granted by the Board of Appeals.

Variations may only be granted where it can be shown that; the ordinance imposes “substantial hardship” on the property owner leaving reasonable use of the land, desirable relief may be granted without detriment to the public good, and the granting of the variance would not derogate from the intent or purpose of the ordinance. Examples of situations where variations may be sought include less than necessary frontage, side lot requirements, etc.

Uses permissible under special permit in specified districts are explicitly stated in the zoning ordinance. Special permits may impose conditions, safeguards, and limitations on the time or use to ensure that uses remain in harmony with the general purpose and intent of the zoning ordinance.

Procedure and Requirements:

1. Applicant submits in **triplicate:** complete application, plans, and certified copy of deed of ownership, and certified list of abutters to the Zoning Officer (Inspector of Buildings) along with an application fee of \$50 to pay for legal advertising and recording. Unexpended money will be returned to the applicant.
2. Once above conditions are met, the Board of Appeals will set a hearing date, not less than 14 days after the publication of the legal advertisement. The applicant or his duly authorized agent must be present at the public hearing.
3. For a Variance, the Board of Appeals decision is filed with the Town Clerk within 100 days after the date of filing the application.

4. For a Special Permit, the Board of Appeals decision is filed with the Town Clerk within 90 days of the hearing of the Board of Appeals.
5. If approved, the applicant must wait 21 days from the date the decision is filed to proceed with plans. If denied, the applicant may file a suit in equity against the Board of Appeals. Notice of such action must be filed not more than 20 days after the date the decision was filed with the Town Clerk.

Application Tips:

- All documents submitted in application for a variance or special permit must be submitted in **triplicate**.
- Businesses applying for special permits must provide thirteen (13) copies of the site plan.
- The list of abutters must be certified by the Town Assessor **prior** to submitting an application with the Inspector of Buildings. This certification process may take up to fourteen (14) days.

Wetlands Permits: Determination of Applicability & Notice of Intent

Department: Conservation Commission (and Engineering Dept.)

Fee: Det. \$25 **Time Frame:** Det. 30 days **NOI Requires Public Hearing**
NOI (Variable-Min. \$55) NOI 45 days

Description:

These procedures set forth public review and decision-making processes by which areas subject to protection under the Massachusetts Wetlands Protection Act, 310 CMR (10.00), may be regulated by the Conservation Commission. The legislature has determined that the regulation of wetlands is essential to the welfare of Commonwealth citizens because of the important ecological function of these habitats. Wetlands provide natural buffers against pollutants, thereby protecting our water supplies. They form natural storage areas for floodwaters that might otherwise be diverted to developed areas. Wetland habitats may also provide important breeding areas for a variety of commercially and biologically important aquatic or semi-aquatic species.

Any person who wishes to know whether or not a parcel of land or project is subject to the provisions of the Act, may request a Determination Of Applicability from the Conservation Commission. Anyone who proposes to do work that will remove, fill, dredge, or alter an area subject to protection under the Act, must file a Notice of Intent with the Conservation Commission.

Procedure and Requirements:

Determination of Applicability:

1. A request is filed with the Conservation Commission. It must include sufficient information to enable the Conservation Commission to find and view the area and determine whether the proposed work will alter an area subject to protection under the Act.
2. Within twenty-one (21) days after the date the request is received, the Conservation Commission shall issue a Determination of Applicability at a public meeting. Notice of the time and place of this public hearing shall be given not less than five (5) days prior to this meeting.

Notice of Intent:

1. Upon a positive determination, work may not proceed until such determination is reversed or until a Notice of Intent has been filed, a final order has been issued and recorded, and all administrative appeal periods have elapsed. The applicant is required to apply for all applicable permits prior to filing.
2. Within twenty-one (21) days of the receipt of this submission, a public hearing must be held by the Conservation Commission.
3. Within twenty-one (21) days of the close of the public hearing, the Conservation commission will make a determination either that the proposed work is not significant to any of the interests identified in the Wetland Protection Act, or that it is significant to one or more of these interests. In the latter case, the Conservation Commission will order an Order of Conditions. This order may impose conditions on the work to be done or prohibit it all together.
4. Appeals may be filed with the State Department of Environmental Quality Engineering.

**Subdivisions: Form A- Endorsement of Plans Not Requiring Approval Under
Subdivision Control Law (ANR)**

Department: Planning Board

Fee: \$35

Time Frame: 14 days

Public Meeting Required

Description:

Any person wishing to record a plan of land, who believes his or her plan does not require approval under the Subdivision Control Law, may submit the plans to the Planning Board for action.

Procedure and Requirements:

The applicant must submit two (2) original and three (3) copies of the proposed plans to record to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. A notice stating the date of the submission and accompanying copy of the application shall be filed by delivery or registered mail with the Town Clerk. A copy of the Form A, that must accompany the filing, can be obtained from the Agawam Planning Office.

Said plan shall be:

1. At a scale no smaller than 1"=40' and shall show all existing structures and their relationship to the proposed property lines.
2. Of such sheet size and layout so as to conform to the regulations of the Registry of Deeds.
3. Enclosed by a block space, 3 1/2" wide by 4" high, adjacent to the right on the bottom margin, available for endorsement of the Planning Board.

If the Board determines that the plan does not require approval, it shall without a public hearing and within fourteen (14) days of submission endorse on the plan the words "Planning Board Approval under Subdivision Control Law Not Required." Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its actions.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within fourteen (14) days of submission of said plan so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination.

Any plan so endorsed shall be recorded with the Registry of Deeds within six (6) months. Failure to do so will negate the action of the Board.

Subdivisions: Plan Review

Department: Planning Board

Fee: Prel. \$25(+ \$5/acre) **Time Frame:** Prelim. 45 days **Prel. Requires Public Meeting**
Def. \$150(+ \$60/acre) Def. 90 days **Def. Requires Public Hearing**

Description:

A subdivision is defined as “the division of a tract of land into two or more lots in such a manner as to require provisions for one or more new ways to furnish access for vehicular traffic to one or more such lots.”

Such regulation is designed to ensure that proper consideration is given to the provision of safe travel route, utilities, and emergency service. It is also an effective means of ensuring compliance with the existing zoning regulations.

Based on this rationale, the Town of Agawam’s subdivision controls prohibit anyone from making a subdivision within the Town, or proceeding with the improvement or sale of lots in a subdivision, or the construction of ways or installation of facilities therein, unless Preliminary and Definitive Plans have been approved by the Planning Board.

Procedure and Requirements:

Step 1: Preliminary Subdivision Approval (Form B)

1. Applicant submits application for approval fourteen (14) days prior to the first regular meeting of the Board that month. The application must include:
 - A. Copy of Form B (Can be obtained from the Agawam Planning Office.)
 - B. Filing fee of \$25 plus \$5 per acre or any part thereof.
 - C. Site map.
 - D. Statement of interest in the land.
 - E. Location map.
 - F. Environmental study.
 - G. Certified copy of the deed.

2. Application is placed on agenda for review at Board meeting. If the application is deemed incomplete, the Board may vote to reject the plan and

take no further action until it is resubmitted in an amended form. In such case, the filing fee will be returned.

3. The Planning Board will notify abutters of the proposal and have the submission available for review at the Town Hall.
4. Within forty-five (45) days after submission, the Board shall approve, approve with amendments, or disapprove the plan. The Town Clerk will be notified of the Board's decision and the applicant will be apprised by certified mail.

Step 2: Definitive Plan (Form C)

1. Upon approval of Preliminary Plan, applicant may submit Definitive Plan to the Board within fourteen (14) days prior to the regular meeting of the Board for the month. The Definitive Plan should not vary substantially from the Preliminary Plan. The application must include:
 - A. Copy of Form C (Can be obtained from the Agawam Planning Office.)
 - B. Statement of interest in the land.
 - C. Report of test boring and soil samples.
 - D. Updated environmental study.
 - E. Water table and soil absorption tests.
 - F. Information on development sequence.
 - G. Town-development relationship study.
 - H. Final plan and specifications.
2. The Planning Board will hold a public hearing prior to the approval of the plans. Public notice must be given at least fourteen (14) prior to the hearing date. A copy of the notice will be mailed to the applicant and abutters.
3. The Board will approve, approve with modifications, or disapprove the plan, file their decision with the Town Clerk, and notify the applicant by registered mail.
4. If after twenty-one (21) days, no appeal has been filed, final approval is granted. The applicant must then furnish the Board with three extra, endorsed layout sheets and the Book and Page of the plan as recorded with the Registry of Deeds. Final endorsement requires that the applicant file a performance guarantee in the form of a covenant or bond be filed.

Note: Any person aggrieved by the decision of the Board or by their failure to take final action concerning such a plan within the required time, may appeal to the county superior court or land court. This appeal must be recorded with the Town Clerk within twenty (20) days of the decision in question.

Site Plan Review

Department: Planning Board (Apply at Inspection Services Department)

Fee: No charge

Time Frame: 30 working days

Public Meeting Required

Description:

The purpose of Site Plan Approval is to ensure that new development is designed in a manner that reasonably protects the visual and environmental qualities and property values of the Town, and to assure adequate drainage of surface water and vehicular access.

Procedure and Requirements:

As provided in § 180-13 of the Agawam Zoning Ordinance, Site Plan Review precedes the issuance of a Building Permit in the following situations:

1. Any proposed residential, business, industrial, institutional or other use of a new structure or of a parcel of land, or any change in any such use, structure or parcel, except for one-family detached dwellings and duplexes on separate lots.
2. Any non-residential use of a one-family dwelling.
3. Any use requiring a special permit from the Board of Appeals. For this section, residences which are to be used solely for residential purposes are exempt.
4. Any major change in any condition or feature that is not in conformance with any feature of a previously approved site plan. Changes in parking and/or curb cuts will always necessitate site plan review.

An applicant for Site Plan Review must file ten (10) copies of an application (Form D) and the Site Plan with the Inspection Services Department. The Site Plan must:

1. Be prepared by an engineer, architect, or landscape architect unless otherwise specified by the Planning Board.

2. Address the following: topography, vehicular traffic flow, parking and loading, drainage, public utilities, landscaping, signs, renderings or elevations, screening/fencing/buffers, location of wetlands, streams, drainage swales and areas subject to flooding.

The Planning Board at a public meeting will vote to approve, approve with conditions, or return the Site Plan for changes and additional information.

Infrastructure Improvement Permits and White Form

Department: Department of Public Works

Fee: Variable

Time Frame: Variable (See pp. 32-33)

Description:

Any new development will require that certain improvements be made so as to provide the site with suitable access and utilities. While subdivision controls ensure that curb cuts, water lines, storm drains and sewer lines be represented in plan, they do not regulate the design and inspection of such. It is important therefore, that mechanisms exist to address these considerations, thus helping to assure that all new development respects the health, safety and welfare of Agawam Citizens. The Department of Public Works (DPW) is responsible for overseeing all phases of the permitting process for these infrastructure improvements.

The Department of Public Works also oversees the White Form process, whereby other Town departments provide final verification that all necessary permits and approvals have been obtained by an applicant for a Building Permit. The Department of Public Works sends an applicant's White Form to the Department of Health, the Planning Department, the Zoning Board of Appeals (for flood data), and the Engineering Department. Once verified, the applicant's White Form is forwarded to the Building Department for the issuance of a Building Permit.

Procedure and Requirements:

An applicant visits DPW for assignment of street address and initiation of the White Form. The applicant then applies and pays at the Collector's Office the appropriate fees for:

1. Driveway permit.
2. Road opening permit.
3. Water connection (not necessary in subdivision where developer has installed connection to street line.)
4. Sanitary sewer connection (not necessary in subdivision where developer has installed connection to street line.)
5. Storm drain connection and/or permit.

6. Permission to enter State highway (if applicable, obtained from Mass Highway Dept.)
7. Sanitary sewer entrance fee.
8. Water meter.

DPW inspects for conformance to standards and approves or denies permits based on their analysis.

Note: Town installs connections to street line only. Owner/builder extends connection to building. Exception—water and sewer connection renewals and repairs.

Applications Tips:

- At this stage of the process:
 - The applicant should be able to provide the names of the builder for the project, as well as the property owner.
 - If required, grading plans should be completed.
 - Driveway permits must have been received.
 - Building permit application must be filled out.

Electrical, Plumbing and Gas Permits and Site Inspections

Department: Building Department

Fee: Variable **Time Frame:** Variable (See pp.32-33)

Description:

Several Massachusetts laws, regulations and codes mandate the review and permitting of plans for electrical, plumbing and gas system construction. These permits are issued after successful application for a Building Permit and, along with mandatory on-site construction inspections, are required for the Building Department to issue a Certificate of Occupancy.

Procedure and Requirements:

1. Electrical Inspector reviews:
 - A. Size and location of service.
 - B. Location of receptacles, fixtures and equipment.
 - C. Provision of Ground Fault Interrupter, if required.

2. Plumbing Inspector Reviews:
 - A. Plumbing riser diagram, including waste and vent sizes.
 - B. Water pipe design, including sizing.
 - C. Swimming pools, including drainage arrangements.
 - D. Lawn sprinkler system.
 - E. Cross connections and instructs builder and/or plumber to submit plans for backflow prevention device to DPW for approval.

3. Inspection of Site

Applicant is responsible for notifying the Building Department for required inspections. Premises must be made available for inspector. For all inspections, call Building Department at Town Hall. The order of required inspections leading up to issuance of a Certificate of Occupancy are as follows:

- A. Footing
- B. Basement or cellar walls
- C. Rough electrical
- D. Rough framing
- E. Insulation

- F. Concealing
- G. Final Electrical
- H. Final Plumbing
- I. Gas test
- J. Smoke detectors
- K. Final Building
- L. Certificate of Occupancy

Storage Permit and Licenses for Flammable Liquids, Solids, and Gases

Department: Fire Department

Fee: Variable **Time Frame:** 1 day **Public Hearing Required** (For licenses)

Description:

Massachusetts General Law requires that a permit or license be held for the storage or transportation of explosive or flammable liquids, solids and gases. It is the intent of the legislation to protect the health and safety, and welfare of the general public by ensuring that these potentially dangerous substances are monitored, and held safely.

Permits are required for:

- The storage of all fuel oil up to 10,000 gallons and the installation of all oil burners.
- Storage of liquefied petroleum gases up to 2000 gallons.
- Storage of up to 10,000 gallons of gasoline.
- Storage of Class A fluids (any flammable fluid having a flashpoint over 100° F) up to 10,000 gallons.
- Storage of Class B fluids (any flammable fluids having a flashpoint between 100-187° F) up to 10,000 gallons.
- Storage of Class C fluids (any flammable fluids having a flashpoint over 187° F) up to 10,000 gallons.
- Storage of flammable solids up to 100 pounds.
- Storage of flammable gases not over 10,000 ft³.
- Transportation of all flammable liquids.
- Storage and manufacture of ammunition.

Procedure and Requirements:

Storage of above materials in amounts greater than specified above requires a license. The Licensing and Permitting application procedure follows:

1. Applicant must obtain Certificate of Occupancy form from Building Department, this form must accompany two copies of the plot plan and be signed and approved by the Inspector of Buildings.
2. Complete Storage Application specifying if application for permit is for private use or for resale, and bring application and plot plans to the Fire Chief or Fire Inspector for approval and signature.
3. Once signed by Fire Chief or Fire Inspector, return application, plot plan copies and Certificate of Occupancy form to Town and Council Clerk's Office.
4. After submission of papers, applicant will be notified by Town and Council Clerk's Office of date of scheduled public hearing for proposed license. (Not required for permit thresholds.)
5. Applicant is responsible for obtaining typed legal advertisement for publication in newspaper from Town and Council Clerk's Office and placing same in newspaper. Applicant is responsible for newspaper fee.
6. Applicant is responsible for obtaining list of legal abutters from Assessor's Office and notifying legal abutters of public hearing. Notification of legal abutters is done by clipping legal advertisement from newspaper (applicant purchases as many newspapers as necessary) and sending to legal abutters by registered mail, return receipt requested.
7. The return receipts returned to applicant must be submitted to Council Clerk at public hearing. Applicant is responsible for attending public hearing.
8. Applicant will then be advised by letter of decision of Town Council regarding license approval or disapproval.

Inspection of Weighing and Measuring Equipment

Department: Department of Weights and Measures

Fee: Variable

Time Frame: 1 day

Description:

Prior to any business or industry using weighing of measuring devices in the conduct of their business, they must be inspected and certified for use in accordance with Massachusetts General Law.

Procedure and Requirements:

The following procedure is used:

1. Applicants notify the electrical engineer of their need for placement and labeling of a dedicated electrical circuit for electronic weighing and measuring equipment.
2. Vehicle scales. Applicants prior to pit construction, inform the Inspector of Weights and Measures of the type and design of scale to be installed.
3. The Inspector of Weights and Measures must receive the nomenclature information for all scales.
4. The Inspector of Weights and Measures will determine whether the type of weighing and measuring equipment has been approved by the Massachusetts Division of Standards.
5. Applicants must notify the Inspector of Weights and Measures for testing of their equipment prior to opening for business.

Construction Permit Summary Table

	Department	Fee	Approx. Time of Processing	Public Hearing/Meeting
Building Permit	Building Dept.	<p>Residential- \$400 1 and 2 family dwelling \$75 Addition, alteration, access structure, swimming pool \$30 Access building under 200 sq. ft., above ground swimming pool \$50 Above ground swimming pool with deck</p> <p><u>Multi-family</u> (3 or More)- \$.30 per sq. ft (all floors excluding cellar) Min. \$300 \$.25 per sq. ft Additions, alterations and accessory building, Min \$150</p> <p>Business& Industrial- \$.40 per sq. ft (all floors excluding cellar) Min. \$300 \$.30 per sq. ft Additions, alterations and accessory building, Min \$200</p>	Approximately 30 days	No
Disposal Works Construction Permit	Health Dept.	\$100 (new construction)	Five working days	No
Electrical Permit	Building Dept.	Variable \$30 and up	Approximately five working days	No
Form A – Endorsement of plans not requiring approval under subdivision control law	Planning Board	\$35	14 days	Public Meeting
Gas Permit	Building Dept.	\$55 (\$30 for permits requiring one inspection)	Approximately five working days	No
Plumbing Permit	Building Dept.	Variable \$30 and up	Approximately five working days	No
Road Opening Permit	DPW	\$20	Approximately five working days	No
Sanitary Sewer Connection & Entrance Fee	DPW	Variable	Three days	No

Sewer Extension Permit	DPW & Mass. D.E.P.	Variable	Approximately 90 days	No
Site Plan Review	Planning Board	No charge	Approximately 30 working days	Public Meeting
Special Permit	Board of Appeals	\$50	90 days (max)	Public Hearing
Storage Permit for flammable liquids, solids, and gases	Fire Dept.	\$10	One day	No
Storm Drainage Permit	DPW	No charge	Approximately 10 working days	No
Subdivision Plan Review	Planning Board	Preliminary \$25 (plus \$5 per acre) Definitive \$150 (plus \$60 per acre)	Prelim. = 45 days Def. = 90 days	Prelim. = Public Meeting Def. = Public Hearing
Variances	Board of Appeals	\$50	100 days (max)	Public Hearing
Water Connection	DPW	Minimum connection (3/4") \$865	Three days	No
Water Meter	DPW	Single family minimum size \$145	Three days	No
Wetlands Permits	Conservation Commission	Determination \$25 Notice of Intent (Variable-Min. \$55)	Determination = 30 days Notice of intent = 45 days	Det. = No NOI = Public Hearing
Zone Change	Town Council	\$500	120 days	Public Hearing
Weights & Measures Permit	Weights & Measures	Variable	One day	No

List of Federal and State Permits And/Or Approvals

The following list was adapted from the North Andover Development Guidebook. This list is by no means exhaustive, and if any question exists 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. National Environmental Policy Act, or “NEPA” requires the preparation of an environmental impact statements (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 significant impact on the quality of the human environment. Major federal actions are either defined by statute or determined by agency officials.
2. Clean Water Act, Section 404 Permit requires a project involving the discharge of dredged or fill materials 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 don't, the Corps of Engineers is prohibited from issuing a Section 404 permit for the activity.
4. 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; the Section 10 permit is often applied for in conjunction with a Section 404 permit.
5. National Flood Insurance Act and Flood Disaster Protection Act Certification requires that banks not make, extend or review any loan 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.

6. Clean Air Act Permits or Approvals may be required directly from the Environmental Protection Agency 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).
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. Environmental Protection Agency Stormwater Notices of Intent and/or NPDES Permits are required for stormwater discharges associated with certain industrial activities. 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 is required to file a Notice of Intent and pollution abatement plan with the Environmental Protection Agency.

State Permits

1. 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, whereas certain activities automatically require the preparation of an Environmental Impact Report.
2. Massachusetts Clean Waters Act, Sewer Extension/Connection Permits are required for the connection of a project to a sewer system unless exempted. There are pretreatment requirements for industrial users.
3. 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, are required for point source discharges to U.S. 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 sewage disposal system with capacity in excess of 15,000 gallons per day will be constructed, a groundwater discharge permit must be obtained.

4. 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 10 acres in their natural state) and tidelands.
5. Massachusetts Clean Air Act Approval must be obtained in writing from the Department of Environmental Protection 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 register with DEP as well. Anyone constructing or demolishing a commercial building, or residential building with 20 or more units, must notify DEP at least 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 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 available from the Division of Fisheries and Wildlife, and habitat maps available for inspection at Town Hall from the Conservation Commission.
7. Hazardous Waste Management Permits may be required from the federal Environmental Protection Agency or state Department of Environmental Protection if any wastes generated by the project are hazardous, depending on the types of quantities generated.
8. Massachusetts Historical Commission Approval must be obtained if a designated historical or archeological landmark will be altered or effected by a project undertaken by a state agency or any private party seeking any state funding, permits or licenses for the project.
9. 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 with abuts a state highway layout.
10. Permit for Construction on Railroad Rights-of-Way: Massachusetts General Laws, Chapter 40, Section 54A provides that a city or town must obtain the consent of the Secretary of Transportation and Construction prior to the issuance of a building permit for any structure on lands formerly used as a railroad right-of-way or lands appurtenant thereto formerly used by any railroad company in the Commonwealth.

Legislation Governing Development

The following is the legislation governing all construction permits issued by the Town of Agawam:

Building Permits – Commonwealth of Massachusetts State Building Code 6th Edition; 780 CMR Articles 1-36

Disposal Works Construction Permit – 310 CMR 15; Title 5

Electrical Permit – Massachusetts Electrical Code 527 CMR 1200

Form A – Endorsement of Plans Not Requiring Approval Under Subdivision Control Law – Rules and Regulations of the Planning Board, Town of Agawam, Massachusetts, MGL Chapter 41 section 81-P

Gas Permit – Commonwealth of Massachusetts 248 CMR 1-00-700

Plumbing Permit – Commonwealth of Massachusetts 248 CMR 1-00-700

Road Opening Permit – The Code of the Town of Agawam Section 16-4

Sanitary Sewer Connection – The Code of the Town of Agawam Section 19-1 Section 19-27

Sewer Entrance Fee – The Code of the Town of Agawam Section 19-26

Sewer Extension Permit – Title 314 CMR 7.00

Special Permit – Town of Agawam Zoning By-Laws MGL Chapter 40A Section ?

Storage permit for flammable liquids, solids and gases – Massachusetts General Laws – Section 13; 527 CMR; Board of Fire Prevention #9

Storm Drainage Permit – The Code of the Town of Agawam Section 19 Article 16

Subdivision Plan Review – Rules and Regulation of the Planning Board, Town of Agawam, Massachusetts; MGL Chapter 41

Variances – Town of Agawam Zoning By-Laws; MGL Chapter 40A Section 10

Water Connection – The Code of the Town of Agawam Section 19 Article ?

Water Meter – The Code of the Town of Agawam Section 19 Article 11

Wetlands Permits – MGL Chapter 131, Section 40

Zone Change – MGL Chapter 40A, Section 5

Weighing and Measuring Devices – MGL Chapter 98, Section 41-42

Agawam Department Heads and Contacts

**Agawam Town Hall
36 Main Street
Agawam, MA
(413) 786-0400**

Assessor	-	Linda Morneau	ext. 258
Chief Librarian	-	Judith Clini	ext. 8610
Collector/Treasurer	-	Laura Placzek	ext. 220
Executive Director, Council on Aging	-	Richard Mundo	821-0604
Data Processing Manager	-	Frederick Messier	821-8516
Director of Parks & Recreation	-	Christopher Sparks	821-8514
Director of Planning and Community Development	-	Deborah Dachos	ext. 283
Electrical Inspector and Code Enforcer	-	Richard Bosini	ext. 210
Fire Chief	-	David Pisano	821-0612
Health Agent	-	Randall White	ext. 208
Inspector of Buildings	-	Dominic Urbinati	ext. 232
Network Administrator Plumbing and Gas	-	Jeff Hulbert	ext. 263
Inspector	-	Rob Maloni	ext. 210
Police Chief	-	Robert Campbell	821-8609
Superintendent of Public Works	-	John Stone	ext. 223
Town Auditor	-	Carol Taylor	ext. 271
Town Clerk	-	Richard Theroux	ext. 214
Town Council Clerk	-	Ursula Retzler	ext. 233
Town Engineer	-	James Daley	ext. 275
Town Solicitor	-	Thomas Locke	ext. 281
Veteran's Agent	-	Edward Kellogg	ext. 237
Zoning Board of Appeals	(Contact Building Dept.)		