

**Applicants Guide to the Planning and Permitting Process
Planning Board -- Town of Tolland Massachusetts 01034**

Section I: Introduction and Purpose of the Applicant's Guide

This guide describes the steps and time periods involved in the permitting and approvals required for construction and land development in the Town of Tolland, MA. Laws and regulations underlying these permits may change from time to time. Therefore, before you submit any application, meet with the appropriate Town representatives to verify requirements for applications, permits and/or review.

- Most stipulated time periods are defined by Massachusetts General Laws and cannot be changed by the Town.
- All Town staff and boards charged with the enforcement of the Town of Tolland Zoning Bylaw and with granting the required construction and development permits will make every effort to respond to your needs and expedite the process.

Note: This is not a legal document but rather is intended to summarize requirements to make processes clear to applicants. The prevailing legal documents that define requirements are

- **Town of Tolland Zoning Bylaw** (Adopted November 15, 2005. Approved by Mass. Attorney General March 16, 2006.)
- **Massachusetts Building Code**
- **Massachusetts General Laws Chapter 40A and related laws**

Tips

Office Hours and Meeting dates:

- Be aware of scheduled office hours and meeting dates for officials and boards
- Special meeting dates or additional hours cannot be scheduled at the request of Applicants.

Online Links:

[Town of Tolland Meeting Calendar](#)

Application Forms and related documents:

- Complete required forms and attached documents and bring them to meetings. Incomplete submissions will delay review and approval cycles.
- Ask questions in advance to be sure you don't miss an entire cycle because you don't have the correct or complete information or documents.

Note: Forms may be found on various pages on the www.Tolland-Ma.gov website (i.e. Building Department, Planning Board, Board of Appeals, Health Agent, Conservation Commission) or forms maybe be requested by phone, letter or email to Tolland Town Hall

Contacts: If online, click on the link below for department web page and contact information. If using a paper document, call Tolland Town Hall for contact information. (413) 258-4794

[Board of Appeals](#)
[Building Department and Inspector](#)
[Conservation Commission](#)
[Electrical Inspector](#)
[Health Agent](#) (Wells and Septic)
[Highway Superintendent](#) (Driveway Permits)
[Planning Board](#)
[Plumbing Inspector](#)
[Town Clerk](#)

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Section II: Requirements for Common Building and Renovation Projects

A. Requirements

The table below summarizes requirements for common projects with reference to more detailed information

Not every situation, kind of construction or question is covered here.

- Contact Town officials for answers to more specific questions. Town staff will assist applicants in coordinating your process.
- Consult with the Building Inspector and Planning Board early in your project planning process.

B. Processes for Approvals and Permits: Process Flowcharts

Flow Charts at the end of major sections of this Guide illustrate the following processes

- **Apply for Site Plan Review and Building Permits** (for new construction or expansion) : Page 5
- **Apply for a Special Permit:** Page 7
- **Apply for a Variance from the Zoning Bylaw:** Page 10
- **Appealing Unfavorable Decisions from Selectmen, Planning Board or other Town Boards or Officials:** Page 14
- **Process for Obtaining Disposal Works Permit for Septic System:** Page 9
- **Apply for Sub-division Approval:** Page 15

Common Permit and License Requirements

Project Type	Requirements	Obtained from...	For More Info
Any Electrical work on new construction, remodeling, accessory buildings or structures, exterior lighting.	Electrical Permit	Electrical Inspector	Mass. Building Code
Any Plumbing work on new construction, remodeling, accessory buildings or structures, accessory apartments.	Plumbing Permit	Plumbing Inspector	Mass. Building Code
New Construction of Dwelling	Site Plan Review Building Permit Driveway Permit Electrical Permit Plumbing Permit Disposal Works Permit (Septic) Well Permit	Planning Board Building Inspector Highway Supt. Electrical Inspector Plumbing Inspector Health Agent Health Agent	Tolland Zoning Bylaw Sections VI and VII A & B.

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**Common Permit and License Requirements
(continued)**

Project Type	Requirements	Obtained from...	For More Info
New Construction of Business or other Operations. Expansion of current operations.	Special Permit Building Permit Driveway Permit Electrical Permit Plumbing Permit Disposal Works (Septic) Permit Well Permit	Planning Board Building Inspector Highway Supt. Electrical Inspector Plumbing Inspector Health Agent Health Agent	Tolland Zoning Bylaw Sections V and IX A.
New or additions to Accessory Buildings (Garages, Sheds, Barns, Outbuildings)	Site Plan Approval Building Permit	Planning Board Building Inspector	Tolland Zoning Bylaw Sections VI and VII M
Accessory Building larger than 120 sq. feet	Site Plan Review Building Permit	Planning Board Building Inspector	Tolland Zoning Bylaw. Sections VI and VII M.
Accessory Building of 120 sq. ft or less	Site Plan Review	Planning Board	Tolland Zoning Bylaw Sections VI and VII M.
Projects that encroach on Setback Requirements	Variance	Planning Board then Board of Appeals	Tolland Zoning Bylaw Sections VI and IX C
Internal remodeling, improvements or upgrades	Building Permit As appropriate <ul style="list-style-type: none"> ▪ Plumbing Permit ▪ Electrical Permit 	Building Inspector Plumbing Inspector Electrical Inspector	Mass. Building Code
Additional Bedrooms or Bathrooms	Disposal Works (Septic) Permit As appropriate <ul style="list-style-type: none"> ▪ Plumbing Permit ▪ Electrical Permit 	Health Agent Building Inspector Plumbing Permit Electrical Permit	Title V - MGL Mass. Building Code
Accessory Apartment within existing dwelling or Accessory Building	Special Permit Building Permit Disposal Works (Septic) Permit Electrical Permit Plumbing Permit	Planning Board Building Inspector Health Agent Electrical Inspector Plumbing Permit	Tolland Zoning Bylaw Section VII M.
Increase building (s) size, number of stories	Site Plan Approval Building Permit Disposal Works (Septic) Permit	Planning Board Building Inspector Health Agent	Tolland Zoning Bylaw Section VI

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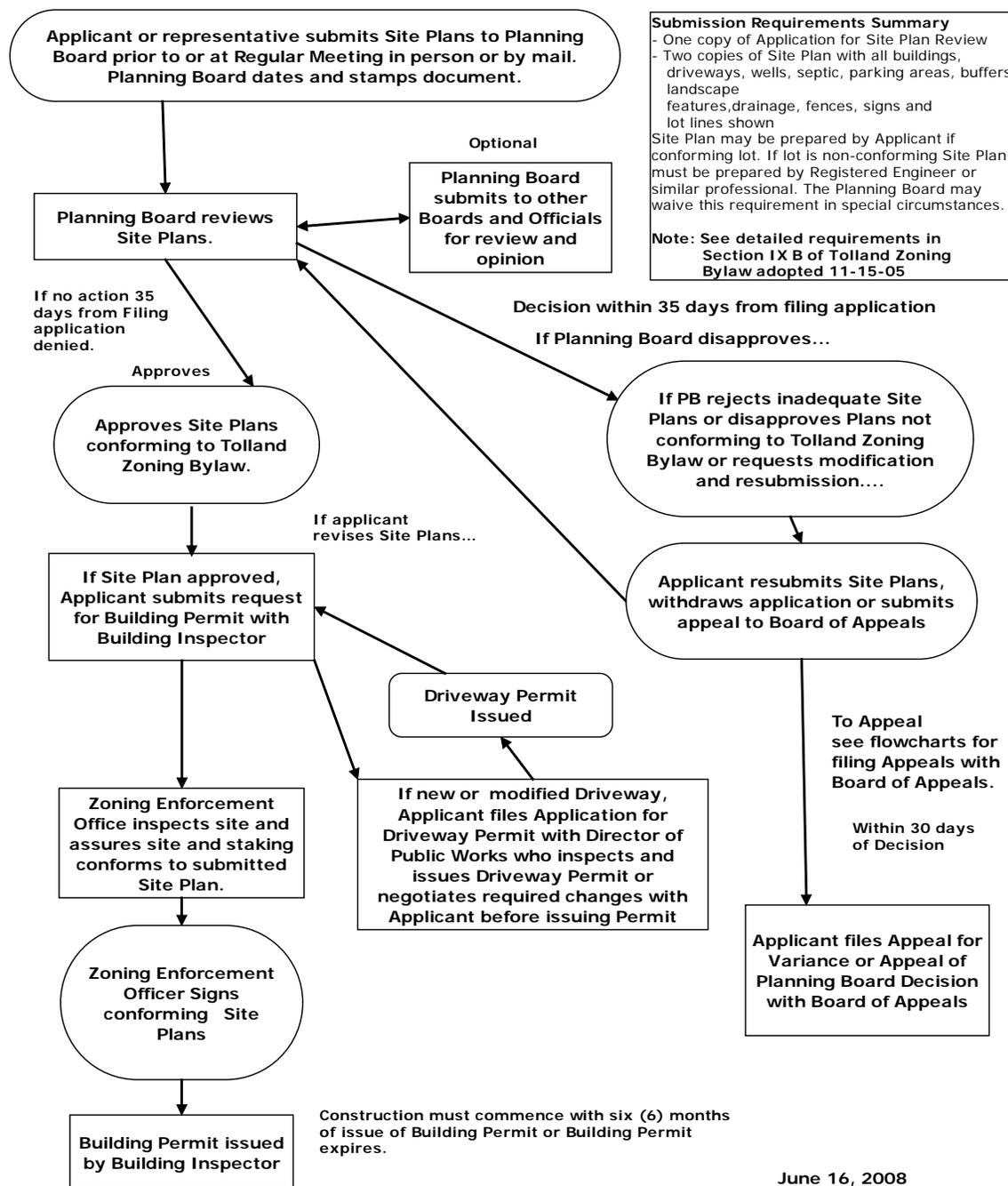
**Common Permit and License Requirements
(continued)**

Project Type	Requirements	Obtained from...	For More Info
Changes to Building Systems	Electrical Permit Plumbing Permit Furnace Approval Disposal Works (Septic)Permit Well Permit	Electrical Inspector Plumbing Inspector Fire Chief Health Agent Health Agent	Mass. Building Code Title V - MGL Mass. Health Codes
Create a new building lot	Site Plan Review	Planning Board	Tolland Zoning Bylaw Sections III and VI Section VII A and B
Driveway (new or modified)	Driveway Permit Site Plan Review	Supt. Public Works Planning Board	Tolland Zoning Bylaw Section VII J
Accessory Structures (Tennis Court, Swimming Pool, etc.)	Site Plan Review Building Permit Electrical Permit	Planning Board Building Inspector Electrical Inspector	Tolland Zoning Bylaw Section VII J
New or expanded Septic System	Disposal Works (Septic) Permit	Health Agent	Title V – Mass. Gen. Laws
Fence 6 feet or higher	Building Permit	Building Inspector	Tolland Zoning Bylaw Section VII Mass. Building Code.
Wood, Coal, Pellet or Alternative Fuel Stove	Wood Stove Permit	Building Inspector	Mass. Building Code
Businesses, Religious, Education, Institutions and Other Similar Uses	Site Plan Review Building Permit	Planning Board Building Inspector	Tolland Zoning Bylaw Section V – Table of Land Use
Home Occupation	Conform to Tolland Zoning Bylaw provisions.		Tolland Zoning Bylaw Section VII – K
Business Certificate	Business Certificate	Town Clerk	Mass. General Law Section
Operating License for Inns, Restaurants, Taverns, Day Care, etc.	Requirements vary.	Town Clerk	Mass. General Law
Sub-Division creation	Sub-Division Approval	Planning Board	Tolland Planning Board Subdivision Regulations
Building near Wetlands or Stream	Wetlands Permit	Conservation Commission (as part of Site Plan Review)	Mass. General Law (Chapter 131) Tolland Zoning Bylaw

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The flowchart for the process of obtaining Site Plan Approval and Building Permits follows.

Obtain Site Plan Approval and Building Permit Tolland MA



Construction must commence with six (6) months of issue of Building Permit or Building Permit expires.

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Section III: Building Projects that Encroach on Setback Requirements.

The Town of Tolland Zoning Bylaw requires property line setbacks for all new buildings and structures and driveways. . See Tolland Zoning Bylaw Sections VI and VII. J.

If your dwelling or accessory building projects encroaches into these setbacks, a Zoning Variance will be required. The Tolland Board of Appeals receives Applications for zoning variance following review by the Planning Board. The Planning Board is required by law to disapprove requests that do not meet setback requirements.

Setback requirements are defined in the Table of Dimensional Requirements below:

TABLE 2: DIMENSIONAL REQUIREMENTS						
Zoning District	Basic Minimum Lot Per Dwelling Unit	Minimum Frontage (Feet)	Minimum Setback (Feet)	Minimum Rear and Side Yards (Feet)	Maximum Number of Floors *	Maximum Height (Feet) **
Town Center (TC-1)	2 Acres (87,120 sq. ft)	200	50	25	2 1/2	35
Agricultural Residential A-R-I	2 Acres (87,120 sq. ft)	200	50	25	2 1/2	35
Agricultural Residential A-R-II	2 Acres (87,120 sq. ft)	275	50	25	2 1/2	35

*** Walkout” type basements are not considered a floor in this calculation.**

****Maximum height limitation prevails in all instances.**

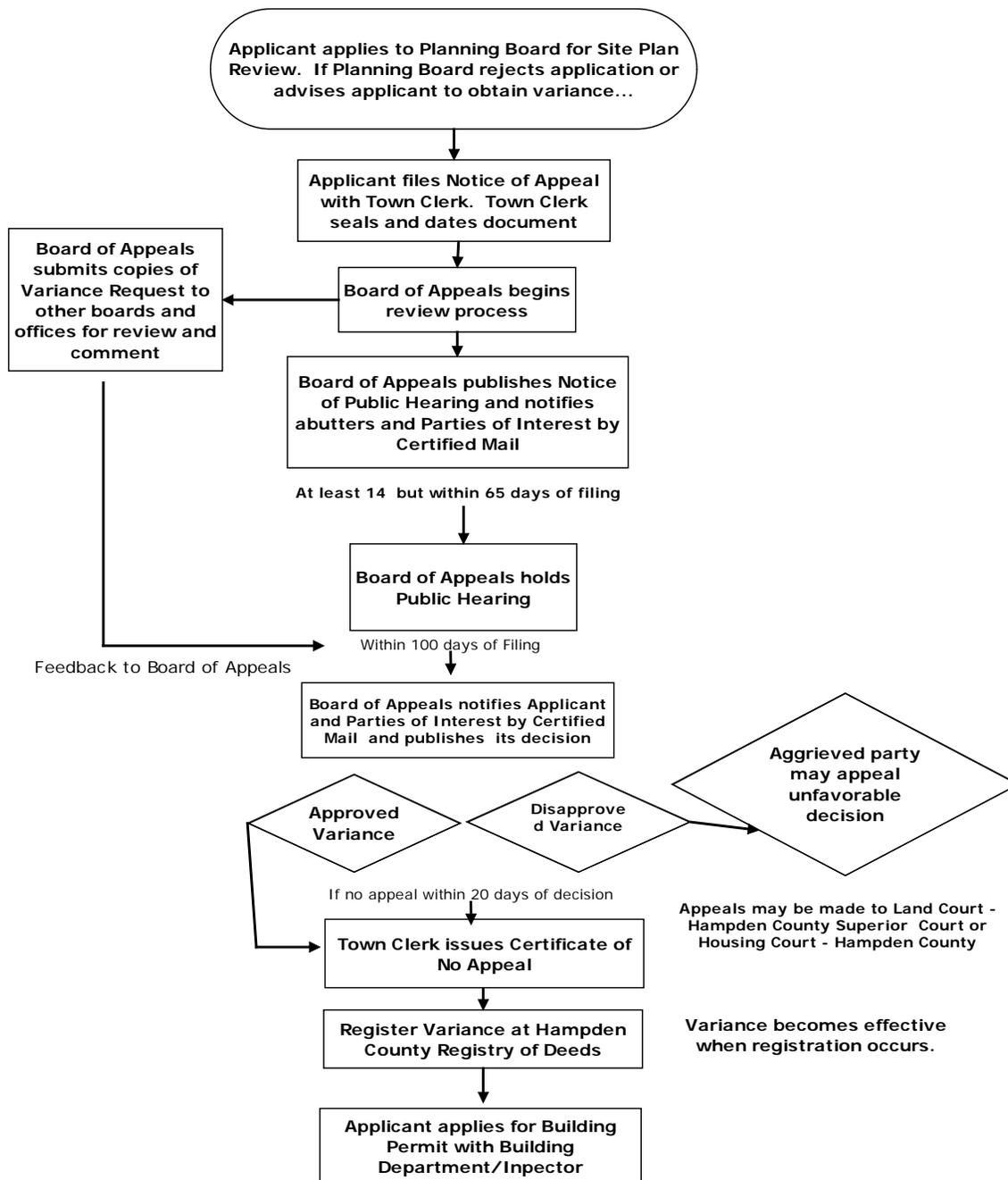
Corner Lots and Lots Facing Two or More Streets

A lot having frontage on a corner or frontage on two or more streets must have the minimum frontage on at least one of the streets. Setback requirements for front yards apply to all sides of a lot facing a street.

The flowchart defining the Process for Obtaining a Zoning Variance follows:

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**Process for Obtaining a Zoning Variance
 Board of Appeals
 Tolland MA**



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Section IV: Septic System and Well Permits and Requirements

Septic System Regulations in Massachusetts (Title 5)

Dwelling houses not connected to a sewer system use septic systems which are regulated by the state department of Environmental Protection (DEP) and local boards of health.

A septic system has a tank, a distribution box, and a soil absorption system commonly known as a leaching field.. Improperly functioning septic systems cause pollution of coastal waters, rivers and water supplies.

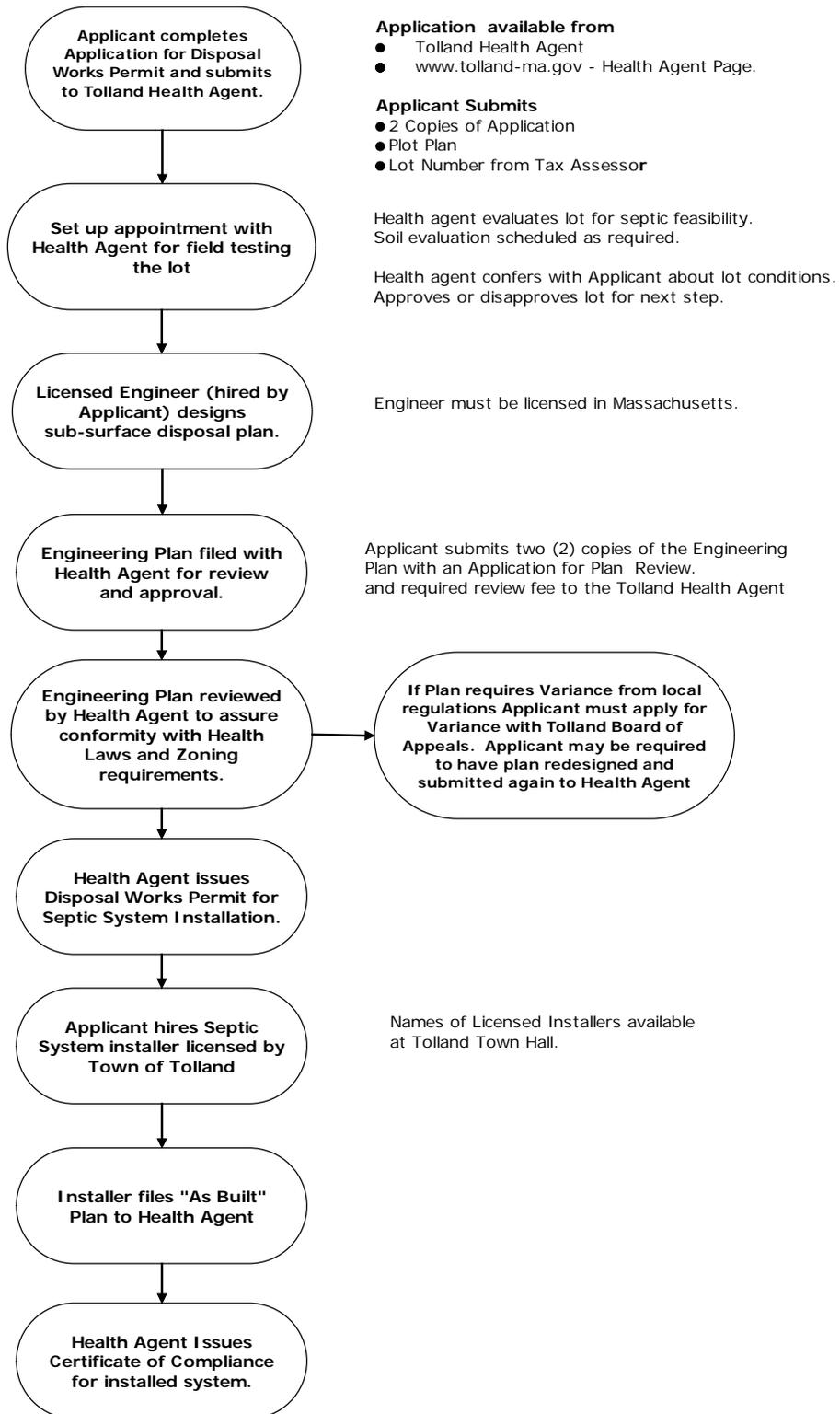
Since 1995, the state environmental code governing septic systems, commonly known as "Title 5 Regulations," has required inspections of septic systems and cesspools prior to a dwelling house being sold or enlarged (310 CMR 15.00). This inspection also includes a soil evaluation test which must be performed by a DEP-approved soil evaluator. In most instances systems that fail inspection must be repaired within two years.

Because compliance with Title 5 is complex and potentially lengthy and costly, home buyers, home sellers and real estate brokers should familiarize themselves with the program's general requirements. An excellent starting point is the DEP website which includes "Title 5 Q & A: General Information" The web address is **www.state.ma.us/dep/brp/files/generlqa.htm**

The flowchart for the Process of Obtaining a Disposal Works Permit (Septic System) Permit follows:

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Process for Obtaining Disposal Works Permit for Septic System Town of Tolland, MA



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Section V: Projects Requiring a Special Permit

Certain uses require a Special Permit issued by the Tolland Planning Board. Typically these include businesses or operations or construction *other than dwelling*.

The Tolland Zoning Bylaw establishes Special Permit requirements

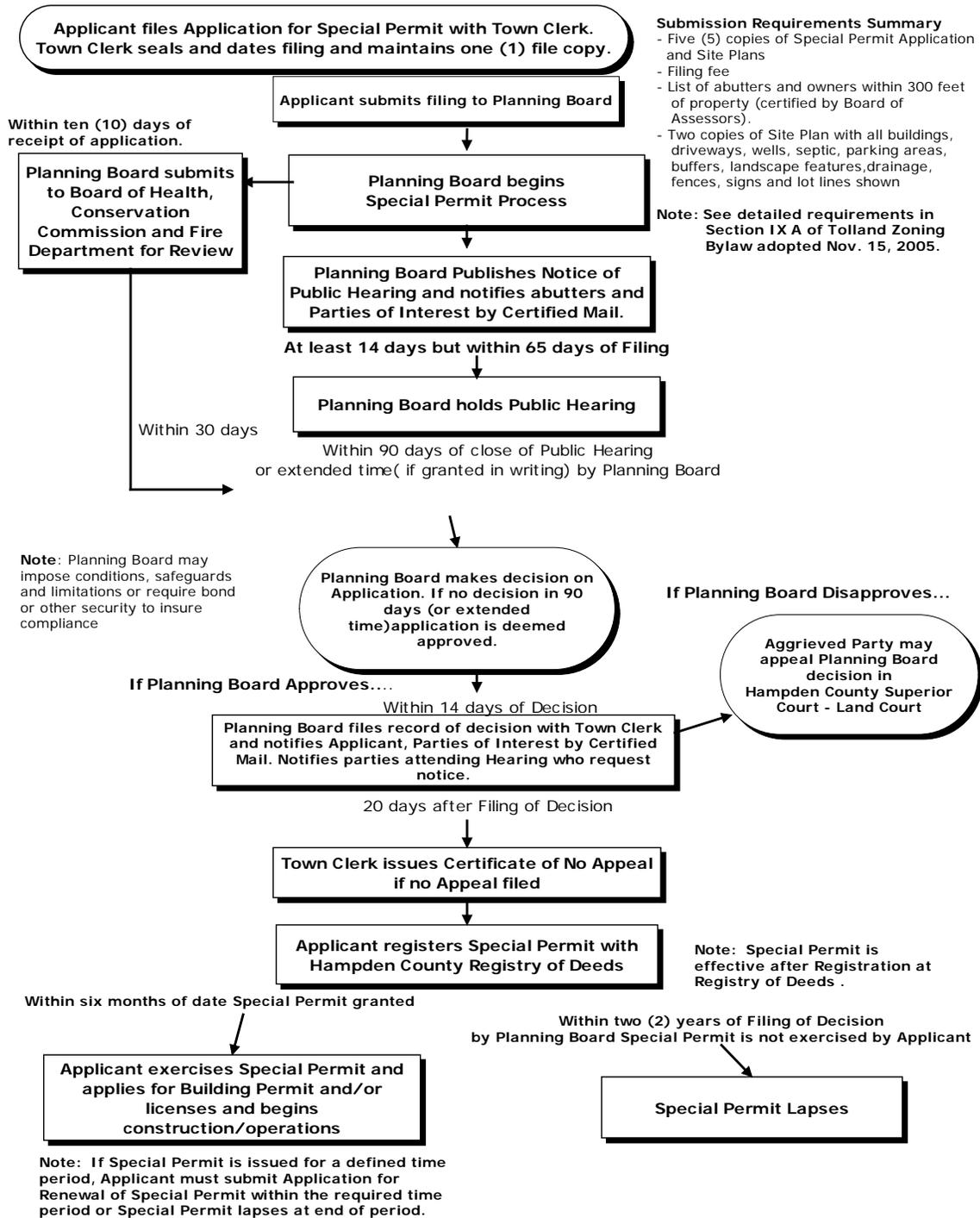
- Section V – Table of Land Use defines which uses require a Special Permit.
- Section VI – Table of Dimensional Requirements establishes setback requirements
- Section VII further details specific requirements for identified uses.

Massachusetts General Law, Chapter 40 A establishes the process and time periods for obtaining Special Permits.

The flowchart describing the process to Apply for a Special Permit follows.

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Apply for Special Permit Town of Tolland MA



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Reference:
<http://www.mass.gov/legis/laws/mgl/gl-40a-toc.htm>

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Section VI: Registering Special Permits and Variances

Registering Special Permits and Variances: The property or business owner who is issued a Special Permit by the Planning Board must register the Special Permit with the Hampden County Registry of Deeds. The Special Permit becomes effective once

- it is registered on the deed *and*
- the Tolland Town Clerk receives proof of registration of the Special Permit on the deed.

Responsibility for Fees: The owner is responsible for all registration activities and registration fees.

Hampden County Registry of Deeds
<http://registryofdeeds.co.hampden.ma.us/>

<p><i>Springfield Office</i> 50 State Street Springfield, MA 01103 Phone (413) 755-1722 Fax (413) 731-8190</p>	<p><i>Westfield Satellite Office</i> 59 Court Street Westfield, MA 01085 Phone (413) 568-2290 Fax (413) 568-4869</p>
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Section VI: Requirements for Licensed Contractors

The Massachusetts Building Code specifies requirements for using Licensed Contractors for certain activities. The requirements are specific to the kinds of construction and whether the activities require a licensed construction supervisor, contract, building permit, etc. The information is too extensive and dynamic to include in this guide – but it is critical that applicants understand the requirements.

**The most current table defining Requirements for Licensed Contractors
is available on the internet at**

<http://www.mass.gov/bbrs/HIC-CSL-2-17-05.pdf>

Section VII: Appealing Unfavorable Decisions by Boards and Officials

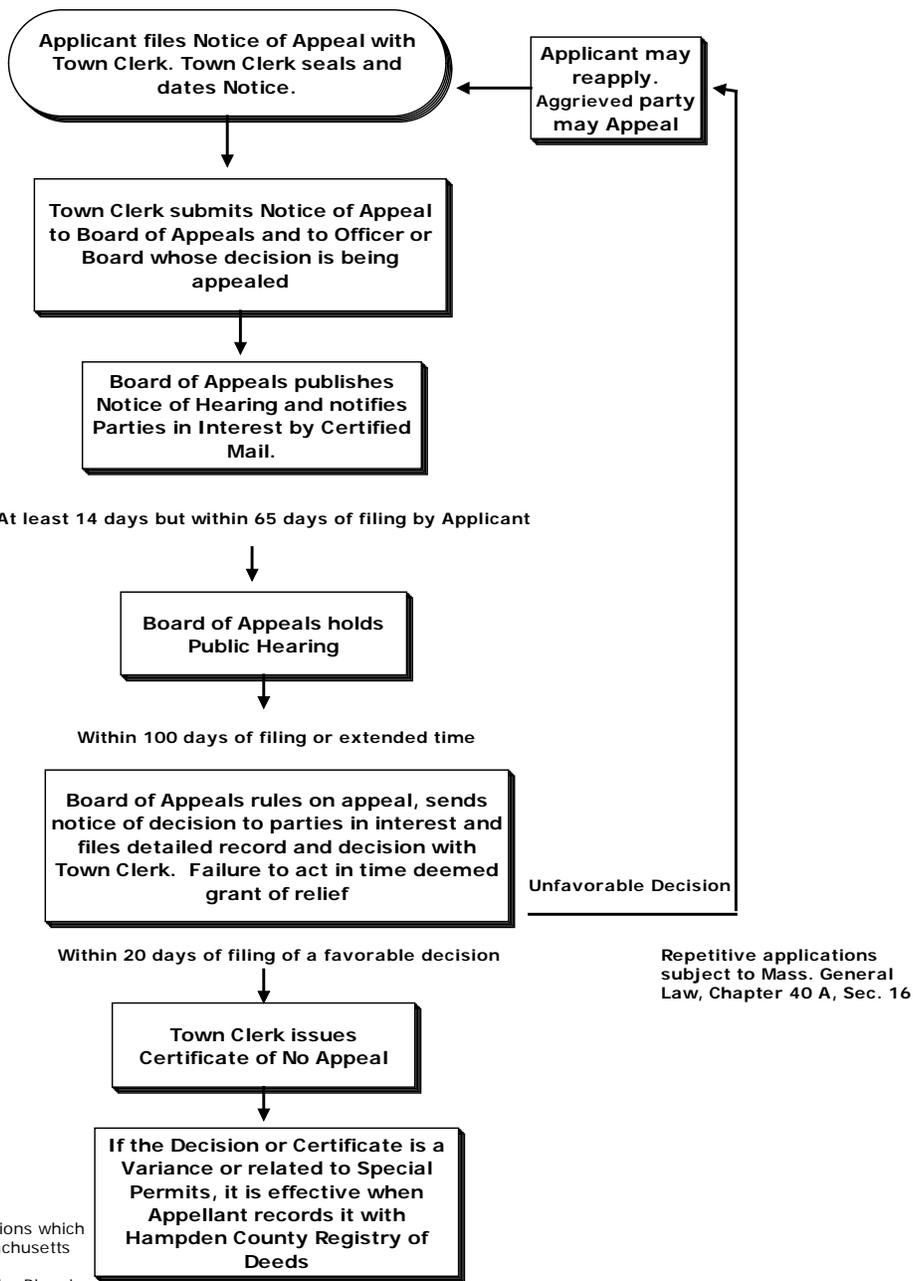
The following unfavorable decisions may be appealed by applicants.

Unfavorable Decisions Issued by...	Appeal to
Board of Selectmen	Board of Appeals
Planning Board	Board of Appeals
Health Agent	Massachusetts Dept. of Environmental Protection
Board of Appeals	Massachusetts Superior Court
Conservation Commission	Massachusetts Dept. of Environmental Protection

The flowchart describing the Process for Appealing a Decision of a Town Official or Board follows.

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**Process for Appealing Decision of Town Official or Board*
 Tolland MA**



*Excludes appeals
 - Board of Assessor decisions which must be filed with Massachusetts Appellate Tax Board.
 - Special Permit decision by Planning Board which must be filed with Massachusetts Superior Court.

Reference:
<http://www.mass.gov/legis/laws/mgl/gl-40a-toc.htm>

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If a property owner wishes to create a sub-division within the Town of Tolland, the following process must be followed.

