



Town of Canton, Massachusetts

BUILDING DEPARTMENT

BOS(S)

LOWER LEVEL MEMORIAL HALL

801 WASHINGTON STREET

CANTON, MA 02021

BUILDING COMMISSIONER

EDWARD T. WALSH

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BUILDING DIVISION

ELECTRICAL DIVISION

PLUMBING/GAS DIVISION

December 27, 2018

Schneiders Law Office
Attn: Attorney Paul Schneiders
779 Washington Street
Canton, MA 02021



RE: 225 Turnpike Street, Canton, MA

Dear Attorney Schneiders:

I have reviewed your letter dated December 15, 2017, regarding a potential Medical Monitored Inpatient Detoxification (MMID) facility to be located at 225 Turnpike Street, Canton, MA. You state in the letter that your client has an option to purchase the property and hopes to convert the current Bay State School of Technology to a 48 bed treatment facility with clinical and administrative offices. You state in the letter you would like a determination as to whether your client can use this property for a BSAS licensed Substance Abuse facility under Department of Health Regulations 105 CMR 164.133.

The property cannot be used for a Substance Abuse facility for the following reasons. You claim in your letter that "it appears the closest use would be a "convalescent" home which is a permitted use in a Business zone under Section A ("Residential Uses"), pursuant to the Town of Canton Zoning By-Laws. Our Zoning By-Laws define a **Nursing or Convalescent Home** as "any building with sleeping rooms where persons are housed and furnished with meals and nursing care for hire:. 105 CMR 164.133 (A) states the following regarding MMID facilities:

"b) Medically Monitored Inpatient Detoxification Services:

1. **Level of Care:** Medically monitored inpatient detoxification services are provided in a medical setting and include 24-hour, seven-day per week nursing and medical supervision.
2. **Admission Criteria:** At the time of admission, the licensee shall determine that the patient requires this level of care because:
 - a. the patient's current or potential withdrawal symptoms constitute a risk to the patient's health and well-being and require medical monitoring; and
 - b. the patient's incapacity results from a substance use disorder or a mental or behavioral disorder due to psychoactive substance use."

These two definitions are inconsistent in my opinion. An MMID cannot be considered a

nursing or convalescent home. Therefore, I find that use of this property for a BSAS licensed Substance Abuse facility under Department of Health Regulations 105 CMR 164.133 is not allowed pursuant to Town of Canton Zoning By-Laws. Also, any modifications of the existing site plan; including landscaping, parking, and loading areas would require approval from the Zoning Board of Appeals.

Should you disagree with my determination, you may appeal my decision to the Zoning Board of Appeals within 30 days of the date of this decision pursuant to the Town of Canton Zoning By-Laws Section 10.2.2.3 and M.G.L. chapter 40A, Sections 8 and 15.

Thank you,



Edward T. Walsh
Building Commissioner

CC: Board of Selectmen
Charles Aspinwall, Town Administrator
Town Counsel
Zoning Board of Appeals