

TA Report 4.6.12

FLOODPLAIN DISTRICT HEARING, WEDNESDAY, APRIL 11, 2012 AT 7PM AT THE Town Hall.

Wednesday night at 7:00pm at the town hall the Planning Board will hold a public hearing to consider four amendments to the Shutesbury Zoning Bylaws. The four amendments would: note the creation of a Floodplain Overlay District; create a Floodplain Overlay District; add definitions related to the Floodplain Overlay District; and elaborate on the definition of "Structure" for the purposes of the Floodplain Overlay District Bylaw. A copy of the by law is at the end of this report. If you have questions call the Planning Board or come to the hearing on Wed., April 11, 7pm at Town Hall.

DUSEAU TRUCKING has returned to their summer schedule going up and down dirt roads to pick up trash and recycling. There is no longer a need to bring your trash to the top of the road. Thank you all for assisting in trash and recycling collection.

ANNUAL TOWN MEETING IS SATURDAY, MAY 5, 2012 Mark your calendar. May 5, Annual Town Meeting is the first TRASH BAG pickup OF THE NEW YEAR. Just 4 Wednesdays to go!

NEW WAVE TRASH BAGS At Annual Town Meeting the first distribution of the "new" Shutesbury trash bags begins. The wave model does not have a draw string but it is larger and has only one seam instead of two seams reducing the possibility of it splitting open. We learned that we were not the only town complaining about the old bag bursting at the seams. Another important factor is we are returning to a local company in Greenfield with a good reputation. If you do have any issues with the new WAVE bag please let me know. You can count of the recycling committee to test everything! Below see Michael Baines of the Recycling Committee doing a durability test on a sample bag.



MASS BROADBAND INSTITUTE MBI This week MBI (Fiber Optic Middle Mile architects) contractors were at the fire station and the library running fiber optic cable from the pole outside the building into the building. It will be between 1-2 years before fiber optic runs to the pole and it is active but it is a promising start of high-speed high limit capacity to come.

Volunteers Needed:

On the Personnel Board, Conservation Commission and Recreation Committee

Elections for Boards will be held at Town Meeting May 5, 2012

Becky Torres, Shutesbury Town Administrator, townadmin@shutesbury.org 259-1214

DRAFT 2.13.12

SECTION 8.9 FLOODPLAIN OVERLAY DISTRICT

8.9-1 STATEMENT OF PURPOSE

The purposes of the Floodplain Overlay District are to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from a reduction in water quality, contamination, and/or pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5. Reduce costs associated with the response and cleanup of flooding conditions;
6. Reduce damage to public and private property resulting from flooding waters.

8.9-2 FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOODWAY DATA

- A. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Shutesbury Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated June 18, 1980 as Zone A and A1, which indicates the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated December 1979. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Zoning Board of Appeals, Planning Board, Building Inspector, and Conservation Commission.
- B. Floodway Data: In Zones A and A1, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used as outlined in the State Building Code to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- C. Base Flood Elevation Data: Base flood elevation data is required for subdivision proposals or other developments greater than 3 lots or 5 acres, whichever is less, where a portion of the development activity would be located within unnumbered A zones.

8.9-3 NOTIFICATION OF WATERCOURSE ALTERATION

The Shutesbury Building Inspector shall notify the following of any alteration or relocation of a river:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

8.9-4 USE REGULATIONS

A. Reference To Existing Regulations

All development in the Floodplain District, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws (the Wetlands Protection Act) and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5); and

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

B. Permitted Uses

The following uses with low flood damage potential and causing no obstructions to flood flows are allowed provided they are permitted in the underlying district:

1. Agricultural uses such as farming, truck farming, horticulture, aquaculture, etc.
2. Forestry and nursery uses.

3. Outdoor recreational uses not requiring permanent structures, including fishing, boating (including boat docks), play areas, etc.
4. Conservation of water, plants, wildlife.
5. Wildlife management areas, foot, bicycle, and/or horse paths.
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
7. Buildings lawfully existing prior to the adoption of these provisions.

C. Prohibited Uses

1. No altering, dumping, filling, or removal of riverine materials or dredging is permitted. Maintenance of the floodway may be done under requirements of M.G.L. Ch. 131, Sec. 40, and any other applicable laws, by-laws, and regulations, and must be done using best management practices.
2. No new impoundments, dams, or other water obstructions may be constructed within the district.
3. Commercial or industrial uses are prohibited in the district.
4. Manufactured homes placed on a site for longer than 180 consecutive days and manufactured home parks or subdivisions are prohibited in the district, except as provided in Sec. 5b (iii) below.
5. Storage of vehicles or equipment within the floodway, other than for normal residential use, is prohibited. The Zoning Board of Appeals may consider whether a variance from this prohibition is warranted.
6. Dumping of trash, garbage or other materials in the floodway is prohibited.
7. Construction of any kind on slopes of greater than 25% within the district is prohibited.
8. Storage or processing of hazardous materials is prohibited.
9. All other uses not specifically permitted within the district are prohibited.

D. Restricted Uses

1. No cutting of forest or vegetation shall occur within fifty (50) feet of the floodway. In the area between fifty (50) and one hundred (100) feet from the floodway, no more than 50% of existing forest shall be cut. Exempted from the requirements in this section are: normal residential landscaping on a lot with an existing dwelling, the cutting or management of state-listed invasive species; removal of woody or flood debris; or restoration activities permitted by the Conservation Commission.
2. Fenced animal grazing areas must be located at least fifty (50) feet from the floodway, with a naturally vegetated fifty-foot (50-foot) buffer strip to reduce runoff, and a fence to prevent animals from encroaching on the buffer strip.

E. Nonconforming Uses

Any lawful use or structure existing at the effective date of this Bylaw/Ordinance or amendments thereof and not in conformance with the provisions of this Bylaw/Ordinance shall be considered to be a nonconforming use or structure governed by Article VI, Nonconformity of Pre-Existing Uses and Structures, herein.

8.9-5 ENFORCEMENT

Any violation of this section of the bylaw shall be subject to enforcement action by the Building Inspector pursuant to Article X, Section 10.2, Enforcement, herein.

A. Restoration of Lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Shutesbury may take necessary corrective action at the owner's expense, the cost for which will be liens for purposes of M.G.L. Chapter 40, Section 58.